Atlantic Large Whale Take Reduction Team
April 28 to May 1, 2008
Baltimore, MD

Key Outcomes Memorandum

I. OVERVIEW

NOAA's National Marine Fisheries Service (NMFS) convened the Atlantic Large Whale Take Reduction Team (Team) April 28 to May 1, 2008, in Baltimore, Maryland. (See **Attachment 1** for a copy of the agenda.) The meeting focused on three primary objectives:

- Discuss research and development, and management issues related to low profile groundline
- Discuss vertical line research and reducing risk associated with vertical line
- Discuss options for monitoring ALWTRP compliance

This summary report, prepared by CONCUR Inc., provides an overview of the meeting's key outcomes. It is presented in five main sections: Overview, Participants, Meeting Materials, Key Outcomes and Next Steps. The Key Outcomes section is further segmented into the following:

- ***Welcome and Introduction.*** This section provides a brief overview of meeting purpose, agenda overview and ground rules.
- ***Background Briefings and Presentations.*** This section summarizes the upfront briefings presented at the meeting's outset.
- ***Proposals Related to Sinking Groundline Requirements.*** This section provides a detailed summation of the Team's discussions related to both low-profile groundlines and sinking groundline exemptions. It includes a synopsis of the Team's primary recommendations.
- ***Vertical Lines.*** This section offers a summary of the Team's discussions regarding vertical lines. It draws from the Team's focused conversations on vertical lines, as well as related comments generated during other agenda items during the four-day meeting.
- ***Other.*** The section synthesizes presentations and discussions related to a handful of other topics including: shark gillnet exemption; enforcement; TRT approach and structure; linkage with the Bottlenose Dolphin Take Reduction Plan; and ALWTRP definition clarification.

Additionally, a number of meeting materials are included as attachments.

II. PARTICIPANTS

The meeting was attended by 38 of the 58 Team members. Team members in attendance were: Bonnie Spinazzola, Leroy Bridges, Bob Nudd Jr., Patrice McCarron, Sonny Gwin, Greg DiDomenico, Tom Burgess, Mike Baker, Steve Nippert, Arthur Sawyer, Bill Reid, David Laist, Diane Borggaard, Barb Zoodsma, Kristy Long, Tom Pitchford, Nicole Mihnovets, Dan McKiernan, Terry Stockwell, Fentress (Red) Munden, Cindy Driscoll, Michael Greco, Alicia

Middleton, Sharon Young, Vicki Cornish, Mason Weinrich, Beth Allgood (alternate for Kate Nattrass), Rich Seagraves, Melissa Paine, David Cupka, Bill McLellan, Robert (Bob) Kenney, Mark Swingle, Jooke Robbins, Charles (Stormy) Mayo, Jack Finn, Cynthia Taylor and Scott Kraus.

Mary Colligan, David Gouveia and Diane Borggaard with NMFS Northeast Region (Protected Resources Division) convened the meeting. Scott McCreary and Bennett Brooks from CONCUR, an environmental dispute resolution firm specializing in marine resource and water issues, served as the neutral facilitators. Staffers from NMFS, NOAA Office of Law Enforcement and the US Coast Guard attended to support the deliberations. As well, approximately 20 members of the public attended all or part of the meeting.

III. MEETING MATERIALS

Numerous meeting materials were provided to support the group's deliberations. Much of the material was provided prior to the meeting, but some documents and much of the presentation material was distributed as handouts. (A detailed listing of materials is included as **Attachment 2**). Copies of meeting materials can be found by contacting Diane Borggaard by phone at (978-281-9300; ext. 6503) or via email at Diane.Borggaard@noaa.gov.

IV. KEY OUTCOMES

Below is a brief summary of the main topics and issues discussed during the four-day meeting. This summary is not intended to be a meeting transcript. Rather, it provides an overview of the main topics covered, the primary points and options raised in the discussion, and areas of full or emerging consensus. Where consensus was not reached, the summary presents the specific options generated.

A. *Welcome and Introduction*

The meeting kicked off with a brief review of the meeting purpose and self-introductions. These were followed by review and confirmation of both the agenda and proposed ground rules. (The ground rules are included as **Attachment 3**.) Additionally, CONCUR presented a brief synopsis of the key findings gleaned from their confidential, pre-meeting interviews with a cross-section of 15 Team members.

B. *Background Briefings and Presentations*

Mary Colligan, Assistant Regional Administrator of Protected Resources with the NMFS Northeast Region, opened the discussions by reminding participants of the three primary issues to be engaged at the meeting: (1) resolve the Team's consideration of low-profile groundlines; (2) consider any proposed exemptions to the sinking groundline requirements in terms of conservation tradeoffs; and (3) begin developing a plan of action for reducing risk associated with vertical lines. She further noted that the Team would need to engage its conversations mindful of the agency's increasingly difficult budget limitations. Finally, she mentioned that NMFS was reviewing recently received requests to delay enforcement and implementation of the

sinking groundline requirement, but had no decision at this time. She noted that changes to the ALWTRP final rule, if any, would be considered through a formal rulemaking process as proposed and final rules.

Diane Borggaard followed these remarks by providing a concise summary of the TRP status, emphasizing recent stock assessment reports, serious injury and mortality statistics, gear entanglement findings, key principles guiding the TRT's discussions, and the most recent large whale and gear research priorities outlined by NMFS.

The remainder of the first day focused on a handful of presentations, summarized briefly below.

- **Low-Profile Lines.** TRT members who submitted position statements or proposals related to low-profile lines prior to the meeting summarized the nature of and rationale for their respective approaches. Presentations focused on the following: the conservation/scientific community position statement; State of Maine proposal; Atlantic Offshore Lobstermen's Association proposal; Garden State Seafood Association proposal; and a North Carolina industry representative proposal submitted by Tom Burgess. The proposals varied significantly in detail, with Maine putting forward the most comprehensive proposal. Each presentation was followed by an opportunity for clarifying questions.

- **Scientist/Researcher Paper.** Scott Kraus presented an overview of the scientific/researcher community's April 2008 paper, *Biological Perspective on Large Whale-Fishing Gear Conflicts in the Northwest Atlantic.* The paper, distributed to TRT members several days prior to the meeting, emphasized the following key point: Given that large whales (1) range widely on the Atlantic Coast and (2) get entangled with all types of gear, the only certain way to remove risk is to remove lines from the water. Kraus emphasized the scientific community's view that this perspective should impact both the Plan's long-term focus and NMFS' research priorities. He stressed that the paper is not intended as a recommendation to immediately remove all lines from the water.

C. *Proposed Alternative Sinking Groundlines*

1. Overview – Proposed Alternatives to Sinking Groundlines

The bulk of meeting focused on deliberations related to proposals intended to replace near-term implementation of the broad-based sinking groundline requirement with other alternatives. Discussion focus ranged from swapping out sinking groundline for low-profile lines to seeking exemptions from sinking groundline requirements in a handful of targeted locations.

The discussions centered on specific requests and proposals put forward in advance of the meeting by the State of Maine, the Atlantic Offshore Lobstermen's Association, the Garden State Seafood Association, and North Carolina industry representative Tom Burgess. Proponents of the requests – and others around the table – cited a range of needs for relief from the sinking groundline requirements. Below are some of the most frequently cited reasons:

- Offers needed relief for fishermen trying to fish over rocky or uneven bottoms where line is likely to get tangled, resulting in gear loss and unsafe fishing conditions.
- Is vastly preferable to the frequently stated alternative of fishermen switching from trawls to single-line pots – a move that would generate a net increase in the number of lines in the water and, therefore, increase the overall risk to large whales.
- Provides a more economically viable option for fishermen, an important factor at a time when fuel costs and other factors are impacting the industry's bottom line. (This was seen as particularly acute in parts of Maine, where fishing for lobster is the main – and in some cases – sole driver of the local economy.)
- When used in only discrete areas, strikes a reasonable balance between the needs of two "at-risk" species – large whales and fishermen – and is consistent with what some TRT members see as the collaborative approaches envisioned through the TRT process.

2. Overarching Themes - Proposed Alternatives to Sinking Groundlines

Much of the conversation was shaped by NMFS's need – articulated both before and during the meeting – for any proposed alternative to the pending broad-based sinking groundline requirement to sufficiently address key criteria. These criteria, intended to ensure that the respective proposals represent a viable resource management option in that they provide greater conservation benefit than sinking groundlines, focused on the following: location, rationale, line height, timetable, gear marking and modifications, trade-offs, conservation benefit to large whales, implementation, monitoring, contingency plan, enforcement and research needs. (Documents summarizing NMFS' assessment of the four low-profile proposals and NMFS' criteria are included as **Attachments 4 and 5**, respectively.)

Team members spent considerable time – both in full plenary and in various caucuses – considering the merits of various alternatives to the sinking groundline requirements. In the Team's discussion of each of these alternatives (some of them developed or refined during the meeting itself), a handful of key themes emerged. Below is a synopsis of the most critical of these cross-cutting themes.

- ***Potential increase in risk associated with low-profile groundline.*** A number of TRT members emphasized the likely increased risk associated with low-profile lines as a primary reason for their resistance to the four low profile proposals. By moving lines off the bottom and into the water column, a number of speakers said, the risk to large whales would inevitably increase. Such an increased risk, they said, was untenable in a situation where, for some of the Atlantic large whale species, Potential Biological Removal (PBR) is at or close to zero. Moreover, TRT members struggled with the lack of specifics in the proposals (low-profile line specifications, number of lines in the water, etc.), suggesting that the missing data made it impossible for them to credibly assess the impact of low-profile line on migrating or feeding large whales.

- ***Importance of generating net conservation benefits.*** D. Gouveia with NMFS emphasized in his opening remarks the imperative that any proposal deviating from the October 2008 sinking groundline requirement – whether focused on exemptions or low-profile line proposals – must provide a net conservation benefit to large whales; in other words, the risk

to large whales must be lower than with sinking groundline. This obligation shaped much of the Team's discussion. While Team members did not generally disagree on the underlying need for net conservation benefits, they did differ as to what level and type of mitigation is needed and appropriate. Topics where TRT members voiced divergent views include the following: (1) the extent to which benefits associated with avoiding increased risk (i.e., avoiding an increase in vertical lines in the water) should count as a conservation benefit; (2) the extent to which benefits associated with non-TRP actions (e.g., trap reductions associated with a fishery management plan) should count toward conservation benefits; (3) the relevancy of past large whale sightings/entanglements to assessing overall risk; and (4) the amount of net conservation benefit needed (i.e., 10%, 20%, or something else) to offset increased risk associated with not using sinking groundline.

- ***Adequacy of vertical line and groundline tradeoffs to generate a conservation benefit.*** Many of the proposals and options considered by the Team focused on a tradeoff between vertical lines and groundlines. The group struggled with how to assess the net conservation benefit associated with such tradeoffs. Is a length of groundline raised into the water column effectively mitigated by removing an equal amount or more of vertical line? A number of industry representatives suggested the calculation is a reasonably straightforward one: lines out of the water equates to reduced risk to large whales. Others around the table, however, were far less certain. Too little is known, they said, to accurately weigh the impact of different gear configurations, and the effects likely vary from location to location given different ocean bottoms and large whale feeding and migration patterns. Accordingly, these Team members suggested an inherently conservative approach to any such tradeoff. In other words, any recommended tradeoff should be greater than a one-to-one exchange. [Note: The Team also discussed the extent to which vertical line reductions offered to mitigate risk associated with proposed groundline increases can also satisfy the Plan's broader vertical line reduction goals. This discussion is summarized under the Vertical Lines Discussion in Section D.]

- ***Avoidance of increases in single lines.*** As noted earlier, a number of the proposals suggested a common upside in their alternatives: Preventing a significant switch to singles (pots not connected by groundline; one vertical line per pot) by fishermen looking to avoid sinking groundline requirements for multi-pot trawls. To many industry representatives, avoiding an increase in singles represents a net benefit; fewer lines in the water is better for large whales. Conservationists and scientists on the Team strongly disagreed. Benefits associated with sinking groundline, they said, were calculated based on the current vertical line distribution. Avoiding more vertical lines in the water, they said, is not a benefit. In fact, they said, if vertical lines are to be increased in the future, the Plan will need to be further amended to account for the increased risk.

- ***Relationship between uncertainty and monitoring/contingency needs.*** Discussion of the various proposals repeatedly touched upon the relationship between uncertainty and monitoring/contingency needs. The less that is known about a proposed approach, a number of Team members said, the greater the burden for any proposal to encompass highly aggressive monitoring, gear-marking and contingency plans.

The conversations surfaced other cross-cutting concerns as well. Below is a quick listing of a number of other issues highlighted throughout the Team's discussion of the various alternatives to the sinking groundline requirements.

- ***Data limitation in proposals.*** Many Team members voiced discomfort with the proposals due to uncertainty regarding the underlying data. Among the deficiencies cited: data on number of fishermen and current line configurations (i.e., solid baseline on vertical lines now in the water; rigor/quality of the available data); effectiveness and specifications related to low-profile line (low-profile line definitions varied among the proposals; unclear data on extent of line to be added to water column); frequency of large whale sightings and entanglements. They also struggled with the lack of peer-reviewed data. A number of members repeatedly called for proposals to incorporate better data, provide more information on data sources and make wider use of peer review.

- ***Correlation between large whale sightings/past entanglements to risk.*** Team discussions acknowledged the challenges in striving to craft broadly supported management approaches in data poor environments. Conservationists, for example, frequently suggested that the limited data on large whale takes and entanglements makes it difficult to dismiss the risk to large whales in most locations and warrants a risk-averse approach to management issues. Industry representatives suggested the limited data leads to worst-case-assumptions that unduly constrain fishing efforts.

- ***Credit for non-TRP actions.*** Industry representatives emphasized the importance of identifying strategies for crediting fishermen with non-TRP-driven actions likely to benefit large whales. (For example, trap reductions in the offshore lobster industry.) Without such options, they said, the burden to industry is set too high. Moreover, fishermen will have less incentive to take voluntary actions outside of the TRP setting if they are then denied credit for such actions later on because it's already incorporated into the baseline data.

- ***Unclear conservation standard/information-gathering protocols.*** A number of fishing industry representative voiced frustration at being asked to meet loosely defined conservation standards and information-gathering protocols in their low-profile proposals and sinking groundline exemptions. Information gaps include (1) the number of lines now in the water (2) the proportion of total large whale entanglements that are actually observed; (3) the relative risk posed by lines of different heights and configurations; and (4) gaps in geographic coverage of surveys. All of these sources of uncertainty, they said, make it difficult for them to craft effective proposals.

- ***Potential for sinking groundline delay.*** Many Team members sought to better understand the impact of any possible shift away from sinking groundline for a handful of targeted locations on the timing for implementing sinking groundline more broadly throughout the area (i.e. through the recent ALWTRP final rule). A number of Team members were reluctant to support any action that would undermine broader implementation or raise risk for large whales in the near-term.

- ***Maintain a sufficiently broad focus on all large whale species of concern.*** On a number of occasions, Team deliberations tended to focus on Right whales – the species covered by the Plan that is the most critically endangered. However, several participants called on the Team to maintain a broader perspective when considering the impact of potential gear rule changes on all large whales covered by the Plan (e.g., consider humpback and fin whales).

Finally, though not a direct focus of the discussion, the deliberations underscored Team members' frustrations with the TRT's current approach for developing proposals for consideration by the Team. Among the frustrations cited: (1) no clearly articulated standards; (2) little cross- interest group collaboration prior to the meeting; and (3) no independent vetting of proposals prior to Team discussions. Several participants called for NMFS to put in place strategies to improve the Team's deliberations of such proposals in the future. One specific suggestion: Craft a Team work group tasked with pre-vetting proposals prior to full Team discussions. To that end, several participants called on NMFS to make greater use of the Team's previously constituted gear advisory group to review proposed or new gear modifications and research initiatives.

3. Results of Team Deliberations - Proposed Alternatives to Sinking Groundlines

The issues outlined above drove the Team's assessment of the specific proposals brought forward for its review and comment. Below is a brief summary of the Team's discussion related to these proposals – both for low-profile line and sinking groundline exemptions.

Low-Profile Proposals: The TRT considered but did not recommend moving forward with the four low-profile line proposals submitted to NMFS.

- Overview. The TRT considered four specific low-profile line proposals: the State of Maine, the Atlantic Offshore Lobstermen's Association, the Garden State Seafood Association, and North Carolina industry representative Tom Burgess. (Copies of these proposals were submitted prior to the meeting.)

- TRT Assessment. Though a number of commentors voiced support for moving forward with low-profile groundlines in order to provide relief to fishermen, the proposals did not receive widespread support and the Team did not recommend NMFS pursue further action for the broad-based use of low profile line as an alternative to sinking groundline. Primary concerns, as summarized in the cross-cutting themes above, centered on: increased risk to large whales from moving line off of the bottom and into the water column; concerns that varied by species, time and location; insufficient proposal details; difficulty in enforcing low profile groundline for some of the proposals; and no clear net conservation benefit articulated.

- Recommended Action. Proponents were encouraged to retool their low-profile proposals as targeted exemptions from the sinking groundline requirements and to consider vertical line reductions as the trade-off in order to achieve a conservation benefit. All four proponents crafted revised proposals for consideration by the Team at the same meeting.

- Next Steps: Consider sinking groundline exemptions as alternative to low-profile groundlines with trade-offs.

North Carolina Industry Proposal: ***The TRT broadly recommended that NMFS consider an exemption from the sinking groundline requirement for North Carolina trap/pot fishermen contingent upon agency confirmation of the net conservation benefit.***

- Overview. North Carolina fisherman T. Burgess put forward a proposed exemption for fixed gear fishermen in North Carolina's Onslow Bay. The proposal[1], revised based on input from the scientific/research community and provided in full as **Attachment 6**, incorporated the following key provisions:

    - Narrowly defined area (southern half of Onslow Bay); area delineated to avoid Navy sonar testing area (Undersea Warfare Training Range or USWTR)
    - Increase in minimum trawl size from 2 to 3 to achieve a 20% decrease in total line in the water column[2];
    - Distinctive gear markings;
    - Implementation prior to October 5, 2008 (the sinking groundline effective date);
    - Strategic research conducted through an independent scientific review committee to assess the effectiveness of both sinking groundline and a modified groundline (intermittent leaded line); and
    - Commitment to switch to sinking groundline (with no increase in vertical lines) in the event of an entanglement.

- TRT Assessment. The proposal met with broad support from the Team. Members identified the following aspects as being particularly pivotal: strong expected conservation benefit; narrowly defined area (limited to avoid migratory concerns and conflicts with the naval sonar testing area (i.e. USWTR)); low risk area based on large whale distribution and behavior; compelling research opportunities; and economic relief for a limited number of fishermen.

- Recommended Action. The majority of Team members recommended that NMFS consider the proposed exemption contingent upon agency confirmation of adequate net conservation benefits. Team members opting to abstain cited: (1) the back-of-the-envelope nature of the net conservation benefit analysis; and (2) general reluctance to grant rollbacks.

- Next Steps. NMFS to formally assess the proposed exemption, with particular attention paid to confirming the net conservation benefit calculation.

Maine Department of Marine Resources: ***The TRT discussed but did not recommend that NMFS adopt the sinking groundline exemption proposed by Maine DMR. Rather, the Team broadly recommended that NMFS convene a balanced work group to further explore the potential for a sinking groundline exemption for waters off Maine.***

[1] The proposal was considered after an earlier request to exempt all trap/pot fisheries out to approximately 35 nm from shore (requested at the meeting by Red Munden, North Carolina Division of Marine Fisheries) was withdrawn.
[2] Under this proposal, singles would still be allowed.

- Overview. The Maine Department of Natural Resources put forward a comprehensive exemption proposal for the state's lobstermen who fish over rocky/tidal habitats to use floating groundline in exchange for reducing vertical lines. Key aspects of the proposal (provided as **Attachment 7**) included the following:

  - Allow use of floating groundline in Maine exempted waters, sliver waters and Downeast Federal water sliver.
  - Cap groundline length and number of endlines in all four areas; size of cap varies by location. Ban singles in state sliver and Downeast Federal waters. Overall effort projected to result in 12% reduction in lines in the water column.[3]
  - Switch to sinking groundline or TRT-approved low profile line in the event of a confirmed groundline entanglement; contingency plan applies only to articulated section where take occurred, not in all Maine exempted waters.
  - Unique line markings to enable easier identification in the event of entanglement.
  - Will require federal delay in enforcement for new federal rulemaking to accommodate float rope usage in state waters. All other measures to be adopted by October 1, 2008, through State of Maine rulemaking.
  - Improved data collection on gear configuration and deployment information through State portside and sea sampling; various research and monitoring aspects

- TRT Assessment. The proposal generated considerable interest and discussion. Among the aspects of the proposal cited favorably: (1) avoidance of a significant shift by industry to single-pot vertical lines; (2) projected conservation benefits tied to endline and singles reductions; (3) potential for improved data on current fishing effort and gear configurations in Maine waters; (4) apparent broad-based support from Maine industry; and (5) meaningful relief to fishermen working out of isolated coastal communities with little to no other economic means. Moreover, several TRT members suggested that support for Maine's exemption would foster the State's continued active involvement and partnership in support of the TRT process.

  Despite the interest, the discussion highlighted a number of unresolved concerns. Perhaps the greatest discomfort centered on Team members' inability to credibly assess the net conservation benefit since the relative risk to large whales from floating groundlines versus vertical lines is unknown. These team members suggested that additional study is needed to determine a scientifically sound assessment of the net conservation benefit of any groundline-for-vertical-line tradeoff. Another significant concern focused on the adequacy of the data, with a number of Team members stressing the need to better understand and confirm/peer review the data underpinning the analysis. A third major area of concern was the contingency plan, with several speakers suggesting that a single groundline entanglement should result in a return to the sinking groundline requirement in the entire exempted area – and not just a subset – since Maine's net conservation benefit analysis is based on a statewide calculation. Other issues cited as needing further discussion included the following[4]:

[3] Note that the 12% projected reduction was based on rough calculations conducted during the meeting.
[4] A comprehensive listing of comments requiring further discussion/consideration are included as **Attachment 8**.

- The extent to which Maine is prepared to consider additional actions to address the vertical line threat to large whales;
- Better gear-markings to enable identification of entanglements from spotter planes;
- Different placement of acoustic buoys than the suggested Gulf of Maine Ocean Observing System (GOMOOS) array to support monitoring efforts;
- Better understanding of how the vertical line cap will work for fishermen who fish in multiple zones (coastal, offshore, etc.);
- More aggressive monitoring programs; and
- Uncertainty as to how any rule-making associated with the proposed exemption would impact near-term conservation actions.

- Recommended Action. Given the TRT's sense both of the proposal's potential and perceived shortcomings, members broadly recommended that NMFS establish a cross-interest Team work group to assist Maine in its development of a plan to address critical concerns and unknowns and vet any revised exemption proposal prior to further consideration by the Team (either via email or some mix of an in-person/teleconference meeting). The recommendation was broadly supported.

- Next Steps. NMFS is to create a diverse Team work group to inform Maine's continued revision to its proposal. The work group is to meet within one month to assist in the development of a work plan. Team expertise will be folded in, as appropriate, to assist in work plan execution. The work group is to pre-vet any revised exemption proposal prior to convening the full TRT (either by email or an in-person/teleconference option) to gauge the level of support.

Atlantic Offshore Lobstermen's Association: The TRT discussed but did not recommend that NMFS consider the sinking groundline exemptions proposed by the Atlantic Offshore Lobstermen's Association.

- Overview. The Atlantic Offshore Lobstermen's Association proposed an exemption from sinking groundline for lobstermen in Area 3, an area with jagged and rocky canyon habitat. (See **Attachment 9** for the full description.) Key aspects of the proposal include:

  - Year-round exemption given the impracticality of changing out gear mid-year.
  - Net conservation benefit tied to removal of 3,171 trap lines by 2010 due to trap reductions being implemented under the Lobster Fishery Management Plan. Other management recommendations under consideration would call for further trap reductions upon permit transfers within the fishery.
  - Readily identifiable markings to be incorporated into gear.
  - Monitoring to be handled through Coast Guard boardings and self-monitoring.

- TRT Assessment. Several speakers voiced support for the exemption, saying it would provide important relief to fishermen struggling to fish safely and economically in an area with few documented entanglements and during a time of escalating fuel costs. Moreover, an exemption from sinking groundline would make it less likely the fishery would damage coral – an area of increasing concern to the New England Fishery Management Council.

Exemption proponents also cited the limited number of large whale entanglements definitively linked to Area 3 gear in recent years.

Concerns with the AOLA proposed exemption centered on the following areas: (1) scientist/researcher assessment of no additional conservation benefit, as the trapline reduction was existing policy and not added as mitigation for allowing floating groundlines; (2) concerns that the limited entanglement data doesn't adequately capture large whale presence and associated risk in Area 3; (3) the need for a more robust monitoring and contingency plan given the limited resources available offshore to spot and assist with entanglements; and (4) the potential for right whale/groundline interactions during wintertime feeding in portions of the three northern-most proposed exempted areas.

- Recommended Actions. The majority of TRT members did not support the proposal as currently drafted, with only roughly one-fifth of the team supporting the proposed exemption. Concerns were expressed by members representing the various interest groups.

- Next Steps. Proponent invited to resubmit with net conservation benefit for consideration at a future meeting.

Garden State Seafood Association: The TRT discussed but did not recommend that NMFS consider the sinking groundline exemptions proposed by the Garden State Seafood Association.

- Overview. The Garden State Seafood Association proposed an exemption from sinking groundline for the lobster trap fishery in an area off Point Pleasant, New Jersey. The area is a former offshore dump with uneven habitat hostile to sinking groundline. (No written proposal was re-submitted, but an oral presentation of the modified proposal was given.) Key aspects of the proposal include:

  - Discrete area just beyond state waters.
  - Year-round exemption given the impracticality of changing out gear mid-year.
  - Conservation benefit linked to use of sinking groundline in other areas.
  - Immediate shift to sinking groundline in the event of a confirmed entanglement.
  - Willingness to work with interested TRT members to devise acceptable gear markings, clarify number of pots and fishermen in the area, monitoring, and research plans.

- TRT Assessment. A handful of members voiced support for the exemption, suggesting that the benefit to fishermen with limited options (the proposed exemption is described as the only location for a lobster trap fishery in the area) far outweighs the negligible risk to large whales due to the exemption area's limited size, insignificant buoy density and lack of large whale sightings in recent years.

  Concerns focused on two primary issues: (1) scientist/researcher assessment of no positive conservation benefit, as there was no active mitigation proposed to balance the use of floating groundline; and (2) the lack of specific data associated with the fishery (in particular, the number of fishermen and pots) as a barrier to effectively assessing the risk to large

whales. Moreover, a number of TRT members pointed to New York State data confirming evidence of past right whale sightings in the area and, as such, the likelihood of increased risk to large whales due to an increase in lines in the water column.

- Recommended Actions. The majority of TRT members recommended against the proposal as currently drafted, with only roughly one-tenth of the team supporting the proposed exemption. Concerns were expressed by members representing the various interest groups.

- Next Steps. Proponent invited to resubmit with net conservation benefit for consideration at a future meeting.

D. VERTICAL LINE DISCUSSIONS

1. Overview – Vertical Line Discussions

The agenda for the TRT meeting called for extensive deliberations focused on vertical line risk reduction. In fact, given the time needed to engage and resolve issues related to low-profile line and sinking groundline exemption proposals, the Team had less focused conversations on vertical lines than anticipated.

However, the Team did have targeted discussions on vertical lines on several occasions over the four days. Moreover, Team deliberations related to low-profile lines and sinking groundline exemptions also folded in consideration of vertical line issues.

D. Borggaard framed the topic with a brief overview of the Team's vertical line discussions to-date. Her comments emphasized NMFS's two management options based on past Team and workshop discussions on vertical lines: reducing the risk associated with vertical lines, and reducing the number of vertical lines in the water. D. Borggaard's comments were followed by presentations on updated research and development activities:

- ***Time/Tension Line Cutter.*** Ben Brickett with Blue Water Concepts, Inc., presented an overview of his proposed gear modification, the time/tension line cutter (TTLC), for the TRT's review and consideration. The Team was asked to consider the Team document "Process for considering gear modifications under the Atlantic Large Whale Take Reduction Plan (ALWTRP)" during the presentation. The TTLC, a knotless line-cutting device located at the juncture of the trap/anchor and the lower end of the vertical line, is intended to free large whales from entanglements once pre-set time and tension thresholds are exceeded.

  Team reaction was somewhat mixed. Many TRT members suggested the device had significant potential, particularly to impact offshore entanglements and reduce the incidence of large whale drownings. However, a few TRT members suggested that development of the device, while helpful, should not be a top priority for NMFS as it does not address what scientists/researchers on the team have identified as most critical: reducing the number of vertical lines in the water.

  Other team comments focused on the following:

- Better understanding TTLC costs, operational constraints and product life.
- Flagging opportunities to improve the TTLC's effectiveness. Specific recommendations included: finding ways to make the device lighter; devising strategies for getting the device around the block; building in a faster break-off time to improve large whale survivability.
- Expressing interest in collaborating with B. Brickett to identify ways to improve functionality and lower cost.

The Team did not make any formal recommendations to NMFS.

- ***MLA Update on Vertical Line Studies.*** Patrice McCarron with the Maine Lobstermen's Association presented an update on the Consortium for Wildlife Bycatch Reduction's recent vertical line field testing, an effort focused on identifying the potential of several different vertical line configurations – glow rope, stiff rope, weak rope and TTLC – to decrease the potential for entanglements. The testing suggested the following preliminary results: (1) glow rope was unsuccessful due to the crushing of glow particles in the hauler and fouling issues; (2) stiff rope failed due to handling issues and concern over interaction in baleen; (3) weak rope concept failed on hard bottom/strong tide and current areas; and (4) operational and reliability concerns associated with the TTLC. MLA plans further testing of weak rope in southern Maine, and suggests that the TTLC may warrant additional testing. There was little Team discussion.

- ***Massachusetts DMF Hauler Adjustment and Rope Studies.*** Erin Burke with the Massachusetts Division of Marine Fisheries (DMF) summarized her office's efforts to minimize the damage tied to the hauling system. The study suggested the following key conclusion: small adjustments to the texture and shape of the sheave has the potential to greatly reduce rope wear. DMF is still looking at the impact of different sheave materials and pulley size on rope wear. The presentation was followed by a handful of comments.

- ***Vertical Line Analysis Studies.*** Industrial Economics, Inc, and Dr. Richard Pace with NMFS Northeast Fisheries Science Center presented the results of their studies intended to assist NMFS in the development of a comprehensive vertical line strategy. Their presentation focused on their development of a model and the underlying data to identify high-risk areas for large whales based on a better understanding of vertical line distribution and large whale concentrations. Following the presentations, TRT members posed a number of clarifying questions. Comments centered on the following topics:

    - Vertical line data collection strategies. TRT members offered several observations related to vertical line data. These included suggestions to: (1) use actual rather than normalized data (2) ensure data doesn't overestimate inshore effort; and (3) tap New York State data for vertical line information related to waters off New York.

    - Large whale distribution estimates. TRT comments and suggestions focused on the following aspects of the large whale distribution study to-date: (1) include data on large whales inside three-mile state waters line; (2) concerns that right whales are

over-represented in the data; (3) weakness of data on "opportunistic" large whale sightings in waters of New Jersey; (4) broaden data to incorporate information drawn from studies even if somewhat imprecise (strip line studies); and (5) be mindful of potential bias in large whale sightings due to seasonality and location.

More broadly, there was interest in ensuring the vertical line analysis would help the TRT get the most comprehensive picture of risk (population, entanglements, line concentration, etc.). The team did not make any recommendations related to the presentation, but requested further discussions at future meetings.

2. Overarching Themes – Vertical Line Discussions

As noted earlier, the Team engaged issues related to vertical lines over the course of the four-day meeting. Below is a synopsis of the main themes engaged during these various discussions.

- ***Need for gameplan and action.*** Both NMFS staff and a number of TRT members underscored the importance of tackling the risk associated with vertical lines. Several commentors suggested that the Team has spent too much time addressing low-profile proposals and needs to shift attention and energy to reducing risk associated with vertical lines. As a roadmap for moving forward, Mary Colligan with NMFS identified three agency priorities: (1) identify ways to establish a baseline to the number of lines in the water; (2) evaluate the impact of gear modifications on risk reduction to large whales and operational feasibility to fishermen; and, 3) devise and track progress towards meeting clearly establish goals (e.g. modeling efforts). These priorities, she said, put a premium on improving baseline data, prioritizing research and better understanding risk.

- ***Focus on reducing number of lines in the water.*** Team deliberations frequently focused on the potential to reduce the number of vertical lines in the water. While TRT members broadly accepted the benefits associated with reducing vertical lines, participants differed on timeframe and approach. The scientific/researcher community, among others, underscored the need for a long-term goal of reducing the number of vertical lines in the water column. Such a priority, they said, should drive the TRT's research agenda and future discussions. Industry representatives said efforts to remove line from the water are hampered by the paucity of technologically or economically viable options to facilitate such a change in fishing practices. Moreover, they said, industry is already struggling to absorb the new sinking groundline regulations, higher fuel costs and other management actions. A significant push to remove vertical lines at this time would simply drive more fishermen out of business.

- ***Vertical line reductions beyond sinking groundline exemptions.*** The discussions on sinking groundline exemptions surfaced a key question: To what extent do vertical line reductions offered in exchange for sinking groundline exemptions satisfy the TRT's commitment to address vertical line risk? A number of TRT members emphasized their view that vertical line cutbacks offered as compensation for sinking groundline exemptions only address the net conservation equivalency associated with the exemption, not necessarily a conservation benefit. Additional actions, these participants said, are critically needed to reduce the

underlying risk associated with vertical lines. Industry representatives did not actively engage the question, but several TRT members stressed the importance of acknowledging non-TRP actions (e.g. fishery management plans) that generate positive conservation benefits when evaluating industry's contributions to reducing risk associated with vertical lines.

Responding to M. Colligan's request for input on strategic direction and approach, Team members offered other suggestions for addressing risk associated with vertical lines. Among the ideas recommended:

- Offer incentives to tap into fishermen ingenuity on lineless fishing. Possible approaches include (1) opening fishing areas to lineless traps only; and (2) engaging in cooperative research ventures
- Develop a strategy to tabulate and award credit for risk reduction generated by non-TRP-mandated actions undertaken by industry voluntarily or in response to non-TRP mandates.
- Think outside the box, particularly as it relates to gear research opportunities, but pre-vet ideas prior to TRT consideration.
- Develop better data on the number, length, and location of lines in the water, so NMFS and team can better assess and accommodate for risk. As part of this effort, increase coordination with states to enhance understanding and access to data.

3. Results of Team Deliberations – Vertical Lines

The Team did not put forward any consensus recommendations related to vertical lines. Rather, the Team committed to engage this topic more fully when the Team next convenes. As well, the Team is to review the gear and large whale research matrices and forward suggested revisions to NMFS.

E. OTHER

The Team's discussions touched on a handful of other topics. Below is a quick summary of those topics.

1. Shark Gillnet Fishing Proposal

Mike Baker, a fishing industry representative from Florida, proposed exempting fishermen from a number of restrictions related to shark gillnet fishing in the Southeast Atlantic. The proposal put forward in advance of the meeting was intended to help fishermen address economic hardships without increasing risk to large whales. It was focused on the following aspects:

- Lift the requirement for a spotter plane from December 1 to March 31 as it is no longer considered economically feasible due to soaring fuel costs and plane availability; and
- Permit straight set gillnetting during daylight hours only, with gear tended within visual sight.

During his presentation, M. Baker revised his proposal to include the following additional restrictions:

- Either create a transit corridor north of 29º latitude to provide shark gillnet fishermen with access to Ponce Inlet; or shift the current 29º latitude boundary north by four miles to allow shark gillnet fishing and transiting up to and through Ponce Inlet; and
- Put in place unique gear markings to ensure identification in the event of an entanglement.

Barb Zoodsma, NMFS' Southeast Regional Office (SERO), followed M. Baker's presentation with an overview of the agency's initial reaction to the proposals – that they are not considered to be conservation neutral as proposed but that there seemed to be potential for enhancing the spotter plane-related proposal.

Several Team members, in discussing the need for a transit corridor, questioned why NMFS does not currently allow fishermen to transit with fish aboard, even if their gear is stowed. In response, B. Zoodsma indicated that SERO's General Counsel advised NMFS to take this approach for enforcement purposes.

The Team voiced general support for providing relief, but – based on the proposal and NMFS' comments – focused on a handful of changes to make the proposal more widely acceptable. These changes centered on the following: (1) removing those measures deemed not conservation neutral – i.e., shifting the 29º latitude boundary line, and allowing straight sets as traditionally fished with their long soak times; (2) incorporating commonly required restrictions related to gear stowage to ensure vessels accessing Ponce Inlet would not engage in illegal fishing; and (3) altering the shark gillnet straight set proposal's restrictions to mirror Spanish mackerel fishery practices taking place in the same waters at the same times to minimize increased risk to large whales.

Based on the discussion and after several iterations, M. Baker put forward a revised proposal incorporating the following elements:

- Permit shark gillnet fishermen to transit with fish to Ponce Inlet but with standard restrictions in place to prevent illegal fishing (gear stowage, etc.).
- Eliminate the spotter plane requirement
- Do not permit any expansion of the current fishing area.
- Allow the use of straight sets during the same times and with the same net length, soak time, and marking requirements (but specific to the shark fishery) now mandated for the Spanish mackerel fishery in the same area, with the exception of being allowed to use the heavier shark gillnet gear. Straight set nets would also be required to be fished during the daytime only, tended, not be set within 3 nautical miles (nm) of any large whale, and removed from the water if a large whale approaches within 3 nm of the net.

The majority of TRT members present endorsed forwarding the proposal to NMFS for further analysis. (One of the non-supporting members voiced concern regarding straight set fishing in April.) NMFS also was asked to assess the difference in conservation benefit associated with no soak time, one-hour soak time and three-hour soak time; as well as the conservation benefit of the overall proposal.

2. Law Enforcement Presentations

The last day included a series of law enforcement-related presentation. The presentations included briefings by the NOAA Office for Law Enforcement and U.S. Coast Guard on its monitoring compliance efforts and the Massachusetts's Division of Marine Fisheries on its testing of sonar detection as a means to identify floating groundlines. The presentations generated a handful of clarifying questions and comments. Team members were particularly intrigued by the potential to use sonar detection to monitor compliance with sinking groundline requirements. The Team did not consider any recommendations based on the presentations.

3. Bottlenose Dolphin Linkage

D. Borggaard informed the team of concerns expressed by a non-attending TRT member that actions being put forward under the Bottlenose Dolphin TRP – requiring fishermen to use smaller nets – may result in an increase in vertical lines in the water off North Carolina and an associated increase in risk to large whales. Borggaard informed the Team that ALWTRT staff have raised the concern to and are working with Bottlenose Dolphin TRT staff to further groundtruth the possible conflict and identify, as appropriate, possible remedies.

4. Definition Clarification

D. Borggaard noted that the Agency is moving to correct several technical errors in previous rule-making. The changes:

- Replace the two parallel definitions of sinking groundline and neutrally buoyant groundline with a single definition of sinking groundline. The change is proposed to eliminate redundancy and confusion and ease enforcement.
- Revise the existing rule to require sinking groundline between trap and anchor. The language was inadvertently omitted from the initial definition. It will also be clarified that the line between a gillnet and an anchor is considered groundline.

Neither change is expected to have a negative impact on net conservation benefit.

V. NEXT STEPS

Based on the discussion, the Team agreed to the following next steps:

- Sinking Groundline Exemptions
    - Refine DMR Proposal. NMFS is to create a diverse Team work group to inform Maine's continued revision to its proposal. The work group is to meet within one month to assist in the development of a work plan. Team expertise will be folded in, as appropriate, to assist in work plan execution. The work group is to pre-vet any revised exemption proposal prior to convening the full TRT (either by email or an in-person/teleconference option) to gauge the level of support.
    - Assess North Carolina Proposal. NMFS is to assess the proposed exemption, with particular attention paid to confirming the net conservation benefit calculation.

- Southeastern U.S. Atlantic Shark Gillnet Proposal
  - NMFS is to review the impact of the proposed changes, with particular attention paid to assessing the different conservation benefit impacts associated with no soak time, one hour soak time and three hour soak time; as well as the conservation benefit of the overall proposal.
  - NMFS is to re-visit with the NMFS Southeast Office of General Counsel on the issue of transiting with fish onboard, specific to Ponce Inlet.

- Research Matrices
  - Team members are to review and provide comment to NMFS on the gear and large whale research prioritization matrices distributed prior to the TRT meeting.

- Key Outcomes Memorandum
  - CONCUR is to draft and distribute to the team by late May a key outcomes memorandum summarizing the primary results and discussion points associated with the April 28 to May 1 TRT meeting. CONCUR envisions that the key outcomes memorandum will be a complete and accurate summary of the meeting. Team members are asked to contact CONCUR if there are any glaring omissions or errors.

- Collaboration with State Partners
  - NMFS is to work with its state partners to identify strategies for improving data collection within each state. This will also help development of the fishery update for the yearly ALWTRP Status Reports.

- Future Team Meeting
  - The Team is likely to next meet in-person in winter 2009; no specific date or location was identified. The meeting is expected to focus on a more in-depth discussion related to vertical lines. Several team members also expressed interest in revisiting the Team's consensus decision-making process.

Additionally, NMFS agreed to distribute a follow-on email to Team members specifying its next steps and any associated timelines. (See **Attachment 10** for a copy of the follow-on email from NMFS.)

Questions or comments regarding this summary should be directed to Bennett Brooks or Scott McCreary with CONCUR. Bennett can be reached at 212-678-0078 or via email at bennett@concurinc.net. Scott can be reached at 510-649-8008 or via email at scott@concurinc.net.

ATTACHMENT 1

Atlantic Large Whale Take Reduction Team Meeting
April 28 – May 1, 2008
Baltimore, MD

DRAFT AGENDA

Meeting Purposes:

- Discuss research and development, and management issues related to low profile groundline
- Discuss vertical line research and reducing risk associated with vertical line
- Discuss options for monitoring ALWTRP compliance

DAY 1 (Monday, April 28th):

1:00-1:30pm **WELCOME, INTRODUCTIONS AND GETTING ORGANIZED** *(NMFS and CONCUR)*

- Review meeting purpose and round robin greeting *(CONCUR)*
- Opening comments *(NMFS)*
- Review and confirm agenda and ground rules *(CONCUR)* **Binder 1.a.**

1:30-2:30 **FOLLOW UP ON ISSUES SINCE 2006 ALWTRT MEETING** *(NMFS and others)*
Objective: Provide context for discussions and brief overview of TRT issues; initial discussion of NMFS research priorities; opportunities for questions and answers

- Recent context for TRT discussions *(NMFS)*
- Progress Report (i.e. includes large whale issues not included in the Status Report) and Matrices (gear and whale) *(NMFS)* **Binder 2.b. , 2.c., & 2.d.**
- Status Report (i.e. includes ALWTRP-related large whale issues) *(NMFS)* **Binder 2.a.**

2:30-5:45 (WITH BREAK) **INITIAL DISCUSSION: LOW-PROFILE GROUNDLINES**
(NMFS and CONCUR)
Objective: Review latest information and consider next steps regarding low-profile groundlines

ALWTRP PRINCIPLE: "Reduce profiles of all groundlines"

- Provide detailed background on low-profile groundline issues to-date *(NMFS)*
  - NMFS' statements in FEIS and final rule on groundlines
  - Overview of public comments related to low profile groundlines **Binder 2.g.**
  - Recap of outcome of low profile workshops **Binder 2.f.**
- Review low-profile proposals/position statements received to-date
  - NMFS background on request for low profile proposals: intent, criteria sought, brief overview of proposals received

- Authors summarize low profile proposals/position statements (in order of receipt to NMFS; clarifying questions to follow each presentation) **Binder 2.h. & 2.i.**
  - Scientists/Conservationists *(TBA)*
  - Maine DMR *(Stockwell & Summers)*
  - Garden State Seafood *(DiDomenico)*
  - Atlantic Offshore Lobsterman's Assoc. *(Spinazolla)*
  - North Carolina industry *(Burgess)*
  - Others?
- Frame questions for discussion during Tuesday morning session
  - Brief NMFS comments regarding the key questions to be addressed during the Team's follow-on discussion
    - Extent to which proposals do/do not satisfy NMFS-articulated criteria
    - Consider opportunities for next steps: research needs, rulemaking, other

5:45-6:00 **OPPORTUNITY FOR NON-TRT MEMBERS TO COMMENT**

6:00 **ADJOURN; OPTIONAL EVENING SESSION**

DAY 2 (Tuesday, April 29th):

8:30-8:45AM **WELCOME AND REVIEW AGENDA FOR THE DAY** (*CONCUR)*

8:45-9:00 **RECAP OF DAY 1 DISCUSSIONS** *(CONCUR)*
Objective: Review and clarify summary of previous day's discussion

9:00-12:00PM (WITH BREAK) **FOLLOW-ON DISCUSSION: LOW PROFILE GROUNDLINES**
Objective: Review latest information and identify next steps regarding low-profile groundlines

- Extent to which proposals do/do not satisfy NMFS-articulated criteria
  - Initial NMFS assessment
  - Team discussion
- Consider opportunities for next steps: research needs, rulemaking, other
  - Team discussion
- Summary

(Full TRT or breakout group discussions?)

12:00-1:15 **LUNCH**

1:15-5:45PM (WITH BREAK) **OVERVIEW AND DISCUSSION ON VERTICAL LINES** *(NMFS and CONCUR)*
Objective: Review latest information and identify next steps regarding vertical lines

ALWTRP PRINCIPLE: "Reduce risk associated with vertical lines"

- Consider background information and issues related vertical lines
  - NMFS actions and statements *(NMFS except as noted below)*
    - Statements in FEIS and final rule on vertical line
    - NMFS' working draft of a Vertical Line Strategy
    - Overview of public comments related to vertical lines — **Binder 2.g.**
    - Review and Consider Gear Modification Proposal to ALWTRT (i.e. Time/Tension Line Cutter) *(Brickett)* — **Binder 2.j.**
  - Updated research and development activities
    - Maine Lobstermen's Assoc. Update on Vertical Line Studies *(McCarron)* — **Binder 4.e. (2nd report)**
    - Mass. DMF Update on Hauler Adjustment & Rope Studies *(Burke)*
    - Vertical line analysis efforts
      - Fishing effort *(Industrial Economics, Inc.)*
      - Whale distribution *(Pace)*

- Frame questions for discussion during Wednesday all-day session *(CONCUR & NMFS)*
  - What do we know about the risk associated with vertical lines related to gear and whales?
  - What don't we know?
  - How do we fill any data gaps?
  - What are the appropriate management options to address risk associated with vertical lines?
  - What are the next steps (e.g. rule making, further research, other)?

5:45-6:00 **OPPORTUNITY FOR NON-TRT MEMBERS TO COMMENT**

6:00 **ADJOURN; OPTIONAL EVENING SESSION**

DAY 3 (Wednesday, April 30th):

8:30-8:45AM **WELCOME AND REVIEW AGENDA FOR THE DAY** (*CONCUR)*

8:45-9:00 **RECAP OF DAY 2 DISCUSSIONS** *(CONCUR)*
Objective: Review and clarify summary of previous day's discussion

9:-00-12:00PM (WITH BREAK) **FOLLOW-ON DISCUSSION/PRESENTATIONS: VERTICAL LINES**

- Continue vertical line presentations (if needed) and engage questions framed for discussion
  - What do we know about the risk associated with vertical lines related to gear and whales?
  - What don't we know?
  - How do we fill any data gaps?
  - What are the appropriate management options to address risk associated with vertical lines?
  - What are the next steps (e.g. rule making, further research, other)?
- Consider opportunities for next steps: rulemaking, research needs, other
  - Team discussion
- Summary

(Full TRT or breakout group discussions?)

12:00-1:15 **LUNCH**

1:15-4:45 (WITH BREAK) **FOLLOW-ON DISCUSSION/PRESENTATIONS: VERTICAL LINES (CONTINUED)**

(Full TRT or breakout group discussions?)

4:45-5:45 **OPPORTUNITY FOR FURTHER DISCUSSION OF WHALE AND GEAR RESEARCH MATRICES (AS NEEDED)** **Binder 2.c. & 2.d.**

5:45-6:00 **OPPORTUNITY FOR NON-TRT MEMBERS TO COMMENT**

6:00 **ADJOURN; OPTIONAL EVENING SESSION**

DAY 4 (Thursday, May 1st):

8:00-8:15AM **WELCOME AND REVIEW AGENDA FOR THE DAY** (*CONCUR)*

8:15-9:00 ***OPTIONAL* RECAP OF DAY 3 DISCUSSIONS** *(CONCUR)*
Objective: Review and clarify summary of previous day's discussion

9:00-9:45 **DISCUSS ALWTRT MEMBER'S SHARK GILLNET PROPOSAL** *(NMFS AND ALWTRT)*
Objective: Consensus on ALWTRT member's shark gillnet proposal
- Shark gillnet proposal (i.e. spotter plane modification) *(Baker)* **Binder 2.g.**

9:45-11:45 (WITH BREAK) **DISCUSS OPTIONS FOR MONITORING ALWTRP COMPLIANCE**
(NOAA Office for Law Enforcement (NOAA OLE, USCG, & Mass. DMF)
Objective: Continue discussion of monitoring compliance issues
- Monitoring Section of Status Report **Binder 2.a.**
  - NOAA OLE & USCG Enforcement Update *(Cory & TBA)*
  - Mass. DMF Sinking Groundline Enforcement Update *(Burke)*
- Quantitative and/or Qualitative Options

11:45-12:45PM **NEXT STEPS** *(NMFS and CONCUR)*
- What will be done with the product from this meeting?
- Recap of meeting and review next steps
- Discuss next ALWTRT meeting
  - Recommended dates and locations?
  - Other issues?

12:45-1:00 **OPPORTUNITY FOR NON-TRT MEMBERS TO COMMENT**

1:00 **ADJOURN**

ATTACHMENT 2

ALWTRT MEETING MATERIALS

Baltimore, MD

April 28-May 1, 2008

(** To be provided in a future mailing or at TRT meeting upon availability)

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1. **General Meeting Information**
   a. Draft Agenda
   b. Ground Rules**
   c. 2008 TRT Member Roster
   d. Regional TRT Subgroup Roster
   e. CONCUR Facilitator Biographies

2. **ALWTRT Meeting and Follow-Up/Associated Materials**
   a. Status Report
   b. Progress Report on Related Large Whale Issues
   c. NMFS Draft Large Whale Research Matrix
   d. NMFS Draft Gear Research Matrix
   e. Summary of NMFS Gear Analyses (1997-2005)**
   f. 2005 Low Profile Groundline Workshop Summary
   g. Summary of Vertical Line and Low Profile Comments Received on DEIS and Proposed Rule (note: these comments were not included in the ALWTRP Final Rule)
   h. AWLTRT Low-Profile Groundline and/or Vertical Line Proposal/Position Statements
      - Framework Relative to Deployment of Low Profile Ground Line, submitted by the ALWTRT Scientific/Conservation Sub-group (1/19/07)
      - Maine Low Profile Groundline Area Proposal, submitted by Maine Department of Marine Resources (1/22/07) (please see amended proposal under "i." below)
      - Low Profile Groundline Deployment Alternatives for Atlantic Large Whale Take Reduction Plan for New Jersey Fixed Gear Fisheries in the Mid-Atlantic Region, submitted by Garden State Seafood (1/31/2007)
      - Low Profile Proposal, submitted by Atlantic Offshore Lobsterman's Association (2/2/2007)
      - (Draft) Low Profile Proposal, submitted by Tom Burgess, North Carolina ALWTRT Industry Representative (7/30/2007)
   i. Amended Maine Low-Profile Area Proposal and Line Field Testing Report (4/11/2008)
      ** Note additional materials to be added by MEDMR at the 2008 ALWTRT Meeting**
   j. NMFS Process for Considering Gear Modifications under the ALWTRP
      - Gear Modification Proposal to the ALWTRT and NMFS: Time/Tension Line Cutter (TTLC)
   k. Southeast Atlantic Gillnet Shark Fishermen Proposal for the Southeast U.S. Restricted Area

3. **Large Whale Research/Information**
   a. Firestone et al. 2008. Statistical Modeling of North Atlantic Right Whale Migration Along the Mid-Atlantic Region of the Eastern Seaboard of the United States. *Biological Conservation*. 141: 221-232.
   b. North Atlantic Right Whale Report Card. November 2005-October 2006. Provided at the North Atlantic Right Whale Consortium, November 7-8 2007.
   c. Tyak, P., and Loer, A. June and July 2007. Final programmatic report on the accomplishments of the project: Documenting right whale (*Eubalaena glacialis*) behavior over rocky bottom in inshore waters of the Gulf of Maine.

d. DeLorenzo Costa et al. 2006. Environmental Factors Affecting Zooplankton in Cape Cod Bay: Implications for Right Whale Dynamics. *Marine Ecology Progress Series*. 323: 281-298.
e. Mingshun et al. 2007. Springtime Transport and Retention of *Calanus finmarchicus* in Massachusetts and Cape Cod Bays, USA, and Implications for Right Whale Foraging. *Marine Ecology Progress Series*. 349: 183-197.
f. Nowacek, Douglas. 2005. Foraging Behaviors of Right Whales at Depth: An Assessment of the Effects of Small-Scale Orientation Changes on Increasing the Risk of Entanglement. Final Report.
g. Humpback Whale Foraging Workshop Summary**

****Note: please refer to the Status Report provided in Section 2 of this notebook for more details on large whale research, proposed and/or funded projects, etc.**

4. <u>Large Whale Entanglements</u>

a. Large Whale Entanglement and Ship Strike Report 2005 (updated March 20, 2008)
b. 2006 Preliminary Large Whale Entanglement and Ship Strike Summary
c. Consortium for Wildlife Bycatch Reduction: Performance Report (April 27, 2007)
d. Consortium for Wildlife Bycatch Reduction: Interim Performance Report (October 30, 2007). Summaries of project activities.
e. Excerpts of Reports Included in the FY05 Performance Report on the Consortium for Wildlife Bycatch Reduction**.** Submitted to NMFS by the New England Aquarium: April 2006
   - Summary of Development Work on Ropes to Protect Whales (April 2006-March 2007) – Prepared by Dr. Norman Holy, Better Gear, LLC
   - Maine Lobstermen's Association Report to Wildlife Bycatch Reduction Consortium-Experimental Rope Deployment (April 2006-March 2007)
   - Online Database for Bycatch Reduction, hosted by the NEAQ
   - UNH Report covering funding period from April 2006-March 2007 – Time Tension Line Cutter and Trigger Line Cutter device testing
f. Knowlton et al. 2008. Analysis of Scarring on North Atlantic Right Whales (*Eubalaena glacialis*): Monitoring Rates of Entanglement Interaction- 1980-2004. Final Report.
g. Ledwell, W. and Huntington, J. 2007. Incidental Entrapments in Fishing Gear Reported in 2007 in Newfoundland and Labrador, and a Summary of the Whale Release and Strandings Program. A report to the Department of Fisheries and Oceans, Canada—Newfoundland and Labrador Region.

5. <u>Gear Research</u>

a. 2008 NMFS Gear Research Supplement
b. Summary of the Bottom Line Project (Phase I and Phase II) as of April 2008. Gulf of Maine Lobster Foundation.
c. Summary of Preliminary Data from the Downeast Bottom Current Project. Gulf of Maine Lobster Foundation.
d. DeAlteris, Joseph and Allen, Richard B. 2007. Use of Pop-up Buoys in Fixed Gear Commercial Fisheries: A Demonstration. Final Report Submitted to the National Fish and Wildlife Foundation.

****Note: please refer to the Status Report provided in Section 2 of this notebook for more details on gear research, proposed and/or funded projects, etc.**

6. <u>Presentations</u>

To be provided at TRT Meeting

In an effort to keep ALWTRT binders streamlined, several categories of materials are now available upon request. If you would like any of the below, please get in touch with Holly Morin, Holly.Morin@noaa.gov. Some hardcopies may be available at ALWTRT meeting.

ADDITIONAL MATERIALS AVAILABLE UPON REQUEST:

Dynamic Area Management (DAM) Program Activities (1/23/2007-3/7/2008)

List of Fisheries/ Marine Mammal Authorization Program

a. 2008 Final List of Fisheries (LOF)
b. 2007 Final LOF
c. 2006 Final LOF

→ Marine Mammal Authorization Program certificates, permit holder letters, and other details for the Northeast Region are now available online at: http://www.nero.noaa.gov/prot_res/mmap/certificate.html

→ Marine Mammal Authorization Program information and details for the Southeast Regional are now available online at: http://sero.nmfs.noaa.gov/pr/mm/mmap.htm

ALWTRP Rulemaking Documents (please note, much of this is available on the ALWTRP website: http://www.nero.noaa.gov/whaletrp/)

a. Southeast Final Rule (6/25/07)
b. ALWTRP FEIS Notice of Availability (NOA) (8/17/07; 72 FR 46217)
c. FEIS Permit Holder Letter (8/10/07)
d. ALWTRP FEIS Summary Document (8/10/07)
e. NOA for the Record of Decision (ROD) for the ALWTRP Final Rule (10/3/07; 72 FR 56335)
   - ROD
f. ALWTRP Final Rule (with correction note) (10/05/07; 72 FR 57104)
g. ALWTRP Final Rule Permit Holder Letter (10/05/07)
h. ALWTRP Final Rule Small Entity Compliance Guide (10/05/07)
i. Gear Modification Techniques for Complying with the ALWTRP (April 5, 2008)
j. Supplement to the Gear Modifications Guide (April 5, 2008)
k. NMFS' Neutrally Buoyant and Sinking Rope Specification (October 2007)

Large Whale Research/Information

a. 2007 Draft Stock Assessment Report (Note: stock assessment reports are available online, in full, at http://www.nmfs.noaa.gov/pr/sars/ and are also summarized in the **Status Report**)
b. 2006 Final Stock Assessment Report
c. Glass, A.H., Cole, T., Garron, M., Merrick, R.L., and Pace, R.M. III. 2008. Mortality and Serious Injury Determinations for Baleen Whale Stocks along the United States Eastern Seaboard and Adjacent Canadian Maritimes, 2002-2006. *Northeast Fisheries Science Center Reference Document 08-04.*
d. Niemeyer, M., Cole, T., Christman, C.L., Duley, P., and Glass, A.H. 2008. Atlantic Right Whale Sighting Survey (NARWSS) and Right Whale Sighting Advisory System (RWSAS): 2007 Results Summary. *Northeast Fisheries Science Center Reference Document 08-06.*
e. Niemeyer, Misty (compiled by). 2007. North Atlantic Right Whale Sighting Survey (NARWSS) and Right Whale Sighting Advisory System (RWSAS) Results Summaries for the

Years 2002, 2003, 2004, 2005, & 2006. *Northeast Fisheries Science Center Reference Document 07-18.*

f. Nelson, M., Garron, M., Merrick R.L., Pace, R.M. III, and Cole T. Mortality and Serious Injury Determination for Baleen Whale Stocks along the United States Eastern Seaboard and Adjacent Canadian Maritimes, 2001-2005. 2007. *Northeast Fisheries Science Center Reference Document 07-05*.
g. Cole, T., Gerror, P., and Merrick, R.L. 2007. Methodologies and Preliminary Results of the NOAA National Marine Fisheries Service Aerial Survey Program for Right Whales (Eubalaena glacialis) in the Northeast U.S., 1998-2006. *Northeast Fisheries Science Center Reference Document 07-02*
h. Goldbogen, J.A., Pyenson, N.D., and Shadwick, R.E. 2007. Big Gulps Require High Drag for Fin Whale Lunge Feeding. Marine Ecology Progress Series. 349: 289-301.
i. Michaud, J., and Taggart, C.T. 2007. Lipid and Gross Energy Content of North Atlantic Right Whale Food, *Calanus finmarchicus*, in the Bay of Fundy. Marine Ecology Progress Series. 3: 77-94.
j. Kite-Powell, H.L., Knowlton, A., and Brown, M. 2007. Modeling the Effect of Vessel Speed on Right Whale Ship Strike Risk. Draft Report for NOAA/NMFS.
k. Fisheries and Oceans Canada. 2007. Recovery Potential Assessment for Right Whale (Western North Atlantic Population). Science Advisory Report.

Fisheries Information (e.g. Observer Programs)

a. Catch and Bycatch in Southeast Gillnet Fisheries, 2007.
b. ESA sea turtle observer final rule and associated fact sheet (8/03/07; FR 72 43176)
c. Catch and Bycatch in the Shark Gillnet Fishery, 2005-2006.

ATTACHMENT 3

To: ALW TRT Members
From: Scott McCreary and Bennett Brooks, CONCUR, Inc.
Date: April 27, 2008
Re: Proposed Ground Rules

Attached are proposed ground rules for the April 28 to May 1, 2008 Atlantic Large Whale Take Reduction Team meeting.

The first page of these ground rules is a minimally revised version of the protocols used to guide previous ALWTRT meetings. Primary revisions are focused on the section regarding meeting summaries.

The second page, prepared by CONCUR based on our professional experience and feedback received from confidential pre-meeting interviews with a representative subset of Team members, focuses on stepping out expectations regarding collaboration and the role of the facilitation team.

Collectively, these ground rules are intended to foster and reinforce constructive interaction and deliberation among TRT members. They emphasize clear communication, respect for divergent views, creative thinking, collaborative problem solving, trust building, working towards consensus, and the pursuit of mutual gains.

The TRT may decide to reconsider and revise these ground rules if they appear not to be serving the TRT process.

Atlantic Large Whale Take Reduction Team
April 28 – May 1, 2008: Baltimore, MD

PROPOSED GROUND RULES

(Slightly modified version of previous ALWTRT ground rules)

1. Decision-Making: The Atlantic Large Whale Take Reduction Team (TRT) will seek to develop consensus recommendations where possible. In this context, "consensus" means that the recommendation in question is supported by all TRT members present at the meeting; this does not necessarily mean that each TRT member likes everything about the recommendation, but that each member is willing to accept it. Where consensus cannot be reached on a particular issue in the time available for developing a recommendation on that issue, the range of possibilities considered by the TRT will be presented, including the views of both the majority and minority.

2. Membership: Membership will reflect a balance by interest, region, and sector. Members are encouraged to reflect their own viewpoints and the viewpoints of their constituencies.

3. Alternates: For those Members not able to attend a meeting, their designated alternate is invited to attend and will speak on behalf of the Member.

4. Attendance: Team members are encouraged to attend all TRT meetings. Team members can designate one alternate to attend in their absence. It is the responsibility of the Team member to keep their alternate informed and prepared for meetings. A Team member who needs to send an alternate is requested to notify NMFS that an alternate will attend for them, and who that person is, at least one week in advance of the meeting.

5. Meeting Agendas: Draft meeting agendas are circulated to Team members prior to each TRT meeting and finalized by the Team during the first portion of the meetings.

6. Meeting Summaries: The facilitation team will prepare Key Outcomes Memoranda (KOM) following each meeting. The KOM will endeavor to summarize key decisions made, issues discussed, and the next steps identified. They will not serve as meeting transcripts nor will they attribute comments or suggestions. In the event TRT members believe the KOM significantly misrepresents particular decisions, issues, or next steps, they are requested to notify the project facilitators or convenors. The project facilitators or convenors will review the matter and use their professional judgment to determine if revisions are needed. If so, they will prepare a revised KOM and distribute it in a timely fashion to all TRT members.

7. Media Contact: Media inquiries concerning the TRT will be referred to the NMFS Public Affairs Officer, who will share the TRT roster upon request. Media representatives inquiring about the TRT process will be referred to approved meeting summaries. Team members may talk to media representatives concerning their own views about the issues being discussed by the Team. However:
   A. TRT members agree not to attribute particular comments to particular individuals, nor to characterize others' views;
   B. TRT members agree not to portray ideas as consensus before the TRT has explicitly agreed on them.

8. Public Comment: Members of the public are encouraged to direct comments through TRT members or speak at designated times on the meeting agenda.

ADDITIONAL PROPOSED GROUND RULES

(Prepared by CONCUR, Inc,., for the April 28-May 1, 2008, ALWTRT meeting in Baltimore)

Collaboration

- **Active, focused participation**. Every participant is responsible for communicating his/her perspectives. Everyone is encouraged to participate; no one dominates. Only one person will speak at a time and only after being recognized by the facilitation team. Everyone will help stay on track.

- **Respectful interaction.** Participants will respect each other's personal integrity, values and legitimacy of interests. Participants will assist each other in creating an effective atmosphere by: using microphones; turning off cell phones; refraining from sidebar conversations; and using computers for TRT related work only.

- **Integration and creative thinking.** Participants will strive to be open-minded and integrate members' ideas and interests. Participants will attempt to reframe contentious issues and offer creative solutions to enable constructive dialogue. Proposals will be offered in a timely fashion to facilitate the group's consideration of possible approaches.

- **Adherence to ground rules.** As a set of mutual obligations, TRT members will commit to adhere to these ground rules once they are adopted. TRT members are encouraged to help uphold and enforce these ground rules.

Role of Facilitation Team

- **Neutral role.** The TRT facilitation team (CONCUR, Inc.) is non-partisan and will not act as an advocate for particular outcomes. CONCUR will strive to enforce the ground rules in a consistent, fair and firm manner and ensure that the meeting stays on track.

- **Managing conversations.** CONCUR will keep a list of those waiting to speak, but may opt to take speakers out of turn to foster focused discussions on a particular topic. The facilitation team may, at its discretion, call for breaks to refine meeting strategies to foster effective TRT deliberations. The facilitators may also recommend the use of small-group breakout sessions.

ATTACHMENT 4

LOW PROFILE GROUNDLINE AREA PROPOSALS
SUMMARY OF NMFS PRELIMINARY COMMENTS
Provided to ALWTRT at April 2008 Meeting

Note: This reflects NMFS' preliminary comments which are subject to modification, etc.

Background:
In the ALWTRP Draft Environmental Impact Statement (DEIS), NMFS rejected implementing low profile groundlines because NMFS did not have enough information. During the DEIS public comment period, however, NMFS staff recognized the need to follow up on suggestions for deploying low profile groundlines, and hence, conducted five workshops along the East Coast exploring the *concept* of low profile groundlines. Core agenda points that were discussed included:

1. Areas where low profile groundline should be considered;
2. The appropriate height above the ocean bottom for low-profile groundline;
3. Techniques to modify groundline;
4. Gear marking options for low profile areas; and
5. Potential contingency plans in the event that an entanglement occurs in low profile groundline.

At the 2006 ALWTRT meeting, these low profile workshops were discussed and industry members put together a template of key points that were to be addressed in low-profile proposals or comments submitted to NMFS, as the concept of low profile groundlines continued to be fleshed out. These core topics were:

- Areas - identify areas where low profile groundlines should be considered;
- Rationale - provide a rationale/justification for areas to deploy low profile;
- Height - recommend a specific gravity or height for low profile (i.e. less than or equal to 1m above the bottom);
- Implementation - outline a timetable for implementation;
- Gear marking - suggest gear marking options;
- Alternate gear modifications - suggest alternate gear modifications to lower existing floating rope;
- Contingency plan - identify a contingency plan if whales do become entangled in low profile groundlines.

Additionally, NMFS has stated in the recent ALWTRP rulemaking documents that further information is needed on various aspects including what is know about prey distribution, as well as large whale distribution and behavior, to help assist in discussions regarding "low profile" groundline. Further specifics are needed on areas and circumstances that make the use of sinking/neutrally buoyant groundline not operationally feasible. Research updates and suggestions on the methods for reducing the profile of groundline are also needed. NMFS has also stated that considerations for "low profile" line would need to include an enforceable definition that is operationally feasible for fishermen, and which reduces risk of entanglement if this is to be considered as a gear modification.

Overall Comments:
Although the low-profile proposals submitted by various ALWTRT members do address low-profile areas, the arc height of the proposed low-profile line, gear marking, and a potential contingency plan, NMFS believes these topics were not adequately examined and/or discussed. Additionally, conservation benefits to large whales, enforcement capabilities and other technical areas critical to the research itself were not addressed. Specific comments on each proposal are provided below.

Maine Low Profile Proposal

1. Areas where low profile groundline should be considered
When submitting a proposal, NMFS asked applicants to justify the areas chosen for low-profile. Although each area proposal presented different criteria for a low-profile area, data to support the rationale behind area definitions were not offered. The justification for boundaries to these areas was not clear and it appeared areas are a function of where fishermen set their gear.

- NMFS appreciates the graphics provided on pages 31-33 which illustrate bottom type along the Maine coast. However, the actual analysis of how these low-profile areas were created is not clearly stated. Are depth contours being used as boundaries? Are areas defined based upon bottom topography? If areas do correlate to different bottom substrates, this needs to be clearly described, and the relationship for each area to its bottom type, defined.
- What is the reasoning behind including the whole ME coast in the proposed low-profile areas? Downeast Maine has been stated as having the most conflict with regards to sinking groundline; fishermen in southern Maine should have already converted their groundlines to sinking line due to Dynamic Area Management (DAM) regulations and other requirements. Why not focus solely on Downeast Maine?

2. The appropriate height above the ocean bottom for low-profile groundline
- At this time, all of the line that the NMFS' Gear Team has tested/seen thus far does not float 3ft off the bottom.

- Calculations/data on low-profile arc heights between different length groundline sets: the technical issues listed below should be addressed.
    - The sampling protocol and how the numbers were derived is not clearly stated, and as currently submitted, there appears to be a large allotment for error in the measurements provided. Are the average arc heights depicted as the average over 1 tidal cycle or multiple cycles or an average over 10 sets etc.? Moreover, the influence of slack/heavy tides on the low-profile groundline tested needs to be described in more detail. NMFS recognizes that MEDMR states that arc heights were analyzed through all tidal cycles, however, averages were provided (and again, how those averages were calculated is also in question). What results occurred during each type of tidal cycle? NMFS recognizes that a line with specific gravity of 1.02 would lie down easier in a fast tide, however, in most places there will also be a slack tide and this is not addressed. Is the 1m arc height 1m from the bottom, 1 from boulder height, etc.? What this distance

actually signifies needs to be clarified. Lastly, the degree of accuracy for data loggers is stated to be plus/minus 2ft. This is not mentioned or discussed in the report and needs to be noted and considered.

- NMFS understands how 10fa of rope may cause a reduced arc profile, however it is hard to discern how 18+fa of rope would behave in the same manner as 10fa of rope.
- NMFS questions how one can say a groundline is going to stay 3ft off the bottom. NMFS also questions if controlling the length of the groundline controls the arc height. Instead, it is suggested that the ratio of how close the traps land (in relation to each other), to the length of the groundline is what influences arc height, but one cannot readily standardize or regulate that. When fishing, one cannot control where the traps/pots will stay; one cannot control how a fisherman sets his gear and how close those traps will be over time, mainly due to environmental influences. Currently, there is no standardized way to set gear, no way to regulate how far apart one can set traps, and no means to control the distance between traps once they are in the water. One way to potentially achieve this would be to significantly shorten groundline length, so that if the traps did land directly next to each other, then a reduced arc profile of 1m would be produced. Subsequently, this would be an extremely short distance of groundline.
- NMFS also questions the lengths of groundline tested in this study. Maine states that longer groundlines are needed in areas of greater depths due to safety concerns. However, most fishermen do not use the proposed 25fa length of groundline between their traps. Thus, limiting the proposed Federal low-profile area to 25fa of groundline does not seem restrictive. With most fishermen using 10-12fa of groundline , a 25fa maximum, is 2 times longer than what the industry is currently using.

- Specific Gravity of Low-Profile Line
  - NMFS questions the value of 1.02 listed as the specific gravity (and definition) of "low profile line". How did MEDMR derive this value? Did MEDMR (in this trial) conduct testing other types of line or lines with a variety specific gravities? Did MEDMR test different blends available at a value of 1.02?
  - How can MEDMR guarantee that each batch of line produced will be exactly 1.02? NMFS further questions that if a line is requested to meet an exact specific gravity value, then won't that rope cost more to manufacture? NMFS feels that the certification that the line is 1.02, in addition to the insertion of the core tracer, would increase the price of production. Manufacturers may also have to invest in additional liability insurance. If a batch of line does not meet the 1.02 specific gravity value, then it would need to be shipped offsite and recycled. Has MEDMR considered these production costs for low-profile line? How will these economic impacts affect implementation?

3. Techniques to modify groundline

This was not specifically addressed in the proposal submitted by MEDMR. However, NMFS understands that a 1.02 specific gravity rope is being suggested.

4. Gear marking options for low profile areas

- More detail on the gear-marking scheme needs to be provided
    - How will the tracer be included? Where will it be placed on the line? Will it just be a colored line (which then other companies could include in their own lines, regardless of specific gravity), or would the company's name be on the line too. Both of these factors would influence cost of production for low profile groundline.
    - The reliability of the proposed tracer, and its ability to be "industry consistent" is in question. How can one dictate to the all rope companies to make that exact, core tracer for low-profile groundline? In the same, how can one dictate that other companies won't manufacture a different groundline (with a different specific gravity) with that same tracer core? Although it is unlikely someone would be able to splice the tracer into groundline themselves, they could ask a rope company to insert it in an order of rope for them.
- NMFS questions if fishermen will be able to use sink line in the low profile areas and if so, how will a tracer used in these areas be distinguishable? If there is more than one line type in this area, a tracer can not be the only characteristic used to track the line.
- Gear marking is not a form of enforcement- when a whale becomes entangled gear marking is an important tool to help discern what type of gear the animal has on it.
- Much more detail for the **enforcement** of this proposed low-profile option is necessary. As stated above, NMFS does not consider including a tracer core/gear marking to be an effective enforcement tool. Additionally, as currently stated in the proposal, using gear marking for enforcement purposes is only described as a means of assessing the rope in the event of an entanglement; how does the State of Maine propose the line to be enforced during regular fishing activities? Currently, officials can test for sinking/floating line in the field by cutting off a piece of the rope and seeing if it floats/sinks when thrown in the water; if questions arise, then it is sent to the NMFS Gear Team for analysis. There is no such "at-sea field test" for low profile rope. If a sample of line is removed, thrown over the side, and it floats, how does one determine, in the field, if it is float rope or low profile rope? The specific gravity of that line would need to be examined in the lab and, thus, determination of the type of line would not be possible on a boat/in the field.
    - Low profile groundline, as described, is not enforceable from the surface of the water. However, neither enforcement or USCG has a dive team to be committed to under-water investigation of lines to make sure they "hover" 3ft off the seafloor. Enforcement of low profile groundline as stated is unrealistic.
    - The State of ME also proposes limits on the number of traps/trawls. Enforcement is unable to regulate such requirements (i.e. minimum traps/trawl) without pulling the gear out of the water. Fishermen do not want their gear to be hauled back out of the water and enforcement does not want to pull gear out of the water unless it is really necessary.

5. Potential contingency plans in the event that an entanglement occurs in low

profile groundline

- The contingency plan noted does not meet NMFS standards and needs to be significantly more detailed. NMFS feels it is inadequate as currently described.
- In the contingency plan as stated, it appears ME Marine Patrol becomes the primary response team for a whale disentanglement. Currently, certain members are qualified to respond to entanglements, however, through this proposal, the role and responsibility of all ME Marine Patrol would be expanded. This disentanglement role differs from what NMFS envisions enforcement's role to be.
- Enforcement has stated safety concerns, liability issues, and permit issues with regards to the disentanglement role proposed for ME Marine Patrol.

Other questions/comments

- The work presented is simply too small of a sample size and does not cover an ample testing period in order to draw definitive conclusions. Moreover, the work MEDMR completed in 2006 (tested 4 different ropes, 3 sink rope and 1 float rope) is unrelated to this work, and hence is not comparable.
- What about the conservation benefit to large whales? What preventative actions are being taken? Although MEDMR does express their confidence that the proposed low-profile areas will be of low-risk to large whales, the benefits of such areas to large whales in the Northern GOM, especially right whales, needs to be clearly stated.
    - There is lack of research in this proposal and it appears this proposal suggests adding an alternative to strategies to reduce large whale entanglements in the lobster trap fishery. It would appear that the conservation benefit of this low profile line, taken without consideration for changes in the number of vertical lines, would have less conservation value to large whales when compared to sinking line.
- The proposal provided no mechanism to test the rate of entanglements of large whales when the line is near the bottom versus on the bottom.
- Although MEDMR estimates, with favorable consideration of this proposal, all measures would be in place by the October 5, 2008, deadline as specified in the ALWTRP final rule, NMFS questions the actual availability of low-profile groundlines for this deadline.
- A DMR Survey was cited in order to quantify the total volume of sink rope, however this survey only looked at fishermen that possessed both state and Federal permits. This is only a small subset of the actual ME lobster industry- the survey did not cover those fishermen who possessed only a State permit, and these members are a huge component of the fishery itself. Hence, NMFS questions if the volume estimates provided are statistically valid, as the survey on which these numbers were based did not adequately consider the entire fishery. Moreover, from an enforcement perspective, if a minimum number of traps/trawl limit was imposed, it would be impossible to enforce as there would be no way to check such a large amount of gear.
- NMFS does not foresee a substantial increase in single traps fished as projected by MEDMR. Switching to singles may be cost prohibitive. In most cases, fishermen fishing singles cannot haul as much gear as those fishing doubles, triples, or trawls. In addition, if fishermen switch to fishing singles, it is projected they would experience more gear loss as they would not be able to grapple back on their gear like they can with a trawl.

Also, if a buoy is lost then one would likely lose that trap; in contrast, with trawls a fisherman tends to have an idea of where their entire line of gear is set, and some may even make note the lat/long location of their gear. Additionally, with trawls, most likely, there will be another buoy line from which to haul one's gear.

- The document is mostly a justification for using low-profile lines based on assumptions of the amount of vertical lines that may be reduced if this is permitted. The major supposition that the proposal bases the need for this low-profile line is that this line will reduce the amount of vertical buoy lines in the water because, if the fishermen are required to use sinking line, they will opt to fish smaller trawls of traps (reduce the number of traps in a trawl) to reduce gear loss. This would increase the number of buoy lines that they need. The researchers do not propose any scientific study to test this in the proposal

Garden State Seafood

1. Areas where low profile groundline should be considered

When submitting a proposal, NMFS asked applicants to justify the areas chosen for low-profile. Although each area proposal presented different criteria for a low-profile area, data to support the rationale behind area definitions were not offered. The justification for boundaries to these areas was not clear and it appeared areas are a function of where fishermen set their gear.

- Areas need to be more clearly defined and boundaries displayed.
- The author mentions very high profile and rocky bottom in these areas, however, how these factors relate to the proposed low-profile areas remains unclear. Will parameters such bottom topography and/or debris, depth contours, and other influences be used as criteria in defining low-profile areas? As currently stated, it appears only whale sightings are the primary justification for the use of low-profile line in these areas.

2. The appropriate height above the ocean bottom for low-profile groundline

- NMFS understands that a line three feet off of the bottom is being suggested as low-profile groundline. What is the rationale behind this height and why is it appropriate for this low-profile area? At this time, all of the line that the NMFS' Gear Team has tested/seen thus far does not float 3ft off the bottom.
- NMFS questions if a 3ft arc height is in fact appropriate for the area suggested as there is substantial debris and it is unclear if this distance would be of substantial benefit to fishing activities.

3. Techniques to modify groundline

- As suggested in this proposal, adding sections of standard leadline at precise intervals along the entire length of the groundline would be the technique employed to modify groundlines. Although NMFS has conducted research on how to reduce profiles of line using this technique, it is unclear how much leadline would be necessary in order to reduce to profile to exactly 3ft off the bottom. Lines are of different diameters, as such, more research on this modification would be necessary. Additionally, it is unclear how this modification would be enforceable.

4. Gear marking options for low profile areas

- This was not discussed in this low-profile proposal and needs to be addressed.

5. Potential contingency plans in the event that an entanglement occurs in low-profile groundline

- The contingency plan noted does not meet NMFS standards and needs to be significantly more detailed. NMFS feels it is inadequate as currently described.

Other questions/comments

- There appears to be a lot of terminology conflicts in this report and many statements need to be made more precise and explicable.
    - The other lists areas that should be exempt from low-profile line, however then states that sinking line is not appropriate in these areas. It is unclear what type of exemption the author is suggesting.

- What about the conservation benefit to large whales? What is the trade off between low profile line vs. sinking line? The author needs to offer suggestions as to the impact to large whales.

Atlantic Offshore Lobstermen's Association

1. Areas where low profile groundline should be considered

When submitting a proposal, NMFS asked applicants to justify the areas chosen for low-profile. Although each area proposal presented different criteria for a low-profile area, data to support the rationale behind area definitions were not offered. The justification for boundaries to these areas was not clear and it appeared areas are a function of where fishermen set their gear.

- Although a map is provided where offshore areas with hard, rocky bottom are illustrated, how/if these areas relate to proposed low-profile areas is unclear. The effectiveness of the graphic is also in question as only latitudes and longitudes are given for the areas, bathymetry is not clearly related, and bottom topography is not included.
- Areas provided are states as areas where effective fishing with sinking groundline is impossible; what is the alternative proposed for these areas?

2. The appropriate height above the ocean bottom for low-profile groundline

- This was not discussed in this low-profile proposal and needs to be addressed.

3. Techniques to modify groundline

- This was not discussed in this low-profile proposal and needs to be addressed. The use of data loggers on groundlines was suggested, although further clarification of their purpose is necessary. Are loggers intended as a requirement for the industry or a tool for the collection of more data? Such specification is needed, as there would be limitations on requiring data loggers on fishing gear.

4. Gear marking options for low profile areas

- This was not discussed in this low-profile proposal and needs to be addressed.

5. Potential contingency plans in the event that an entanglement occurs in low-profile groundline

- A contingency plan was not discussed in this proposal and should be addressed with significant detail.

Other questions/comments

- NMFS questions the author's statement about the use of sinking groundline on a trawl and the line between the endline and the first three traps showing significantly more wear than the rest of the rope. NMFS believes this is something that occurs with offshore lobster gear regardless of groundline type. This is not a new problem; the ends of the gear (which are attached to long buoy lines) move around more than the central portion of the trawl, hence there will be more wear.

- What about the conservation benefit to large whales? What is the trade off between low profile line vs. sinking line? Applicants need to offer suggestions as to the impact to large whales.

North Carolina Trap/Pot Fishing Industry

1. Areas where low profile groundline should be considered

When submitting a proposal, NMFS asked applicants to justify the areas chosen for low-profile. Although each area proposal presented different criteria for a low-profile area, data to support the rationale behind area definitions were not offered. The justification for boundaries to these areas was not clear and it appeared areas are a function of where fishermen set their gear.

- What other justifications can be offered for this low profile area? What makes this area unique? The author states that "consensus from fishermen is that sinking groundline will get caught in the bottom…" What will groundlines get caught on? Details on bottom topography need to be provided and correlated to the low-profile areas, if significant.
- NMFS also questions the location of the propose low-profile area as it appears more inshore than what was originally suggested at the 2006 Take Reduction Team Meeting. If the area has been altered since the 2006 meeting, what was the reasoning behind these changes?

2. The appropriate height above the ocean bottom for low-profile groundline

- NMFS understands that a line 10-20 inches off of the bottom is being suggested as low-profile groundline. How/why was this distance chosen?

3. Techniques to modify groundline

- As suggested in this proposal, weaving a piece of leadline along the length of the groundline would be the technique employed to modify groundlines. As stated by the author, weight and length of the leadline would need to be determined, as it is currently unclear how much leadline would be necessary in order to reduce to profile to that which the author suggests. Additionally, it is unclear how this modification would be enforceable.

4. Gear marking options for low profile areas

- Only a "color specific to the South Atlantic" is offered for gear marking. Significant detail on the gear marking scheme for the proposed line is necessary including not only the color for gear marking, but also how it the mark will be incorporated in the line and a proposal for enforcement.

5. Potential contingency plans in the event that an entanglement occurs in low-profile groundline

- The contingency plan noted does not meet NMFS standards and needs to be significantly more detailed. NMFS feels it is inadequate as currently described.

Other questions/comments

- Significant detail is missing from this proposal. Information as provided is inadequate.
- The author suggests all measures would be in place by the October 5, 2008, deadline as specified in the ALWTRP final rule; NMFS questions the if this implementation schedule for low-profile line as suggested would be obtainable, especially if significant research is needed for the groundline modification technique suggested.

- Docks enforcement for low-profile line, as suggested, would be challenging. What if a fisherman is not actively fishing in that area at the time of dockside inspections? What if the fisherman does not have that gear readily available at the dock? NMFS also questions if fishermen in this area switch their gear over during the season; this would again make enforcement problematic.
- What about the conservation benefit to large whales? What is the trade off between low profile line vs. sinking line? Applicants need to offer suggestions as to the impact to large whales.

ATTACHMENT 5

Questions to consider for Potential Exemptions

(Criteria prepared by NMFS for consideration by ALWTRT Team)

1. Rationale
    - What is the basis/justification for an exemption?

2. Areas
    - What are the areas where potential exemptions should be considered?
    - What is the rationale for choosing these areas?
    - When would the exemption occur (seasonal, year round)?

3. What are reasonable tradeoff options for the areas considered?

4. What are the expected/forecasted conservation benefits of the potential exemptions?

5. Gear marking
    - How will gear deployed in the proposed exemption be marked?

6. Implementation
    - What is the expected timetable for implementation?

7. What strategic monitoring is needed?

8. What is the contingency/fall back plan should an entanglement occur in the identified exemption area?
    - Is there a trigger requirement for the fallback measure?
    - Is there an evaluation procedure for determining serious injury/mortality of the entanglement?

9. What strategic research is needed?

ATTACHMENT 6

(T. Burgess sinking groundline exemption proposal developed at 2008 meeting for discussion with Team)

SE NC Proposal "Tom's Box"

1) Rationale

Consensus from fishermen is that sinking groundline will get caught in the bottom, resulting in the loss of gear.

2) Areas

The area is the southern half of Onslow Bay, NC from the tip of Cape Fear north up the beach to south end of Topsail Island, out to a line that runs from Frying Pan Shoals Tower (SE of Cape Fear) to the "Knukle Buoy" (SE of Cape Lookout). By moving the line west from the original proposal there is an approximately 20% decrease in the size of the requested exemption box. Area delineated to avoid Navy sonar testing area (i.e. Undersea Warfare Training Range or USWTR)

3) What are reasonable tradeoff options for the areas considered?

If sinking groundline were required, the fleet would switch to singles and continue fishing in that fashion.

4) What are expected/forecasted conservation benefits of the potential exemptions?

Increasing the minimum trawl size from 2 to the 3 will achieve a 25% decrease (13,120') of total line in the water column. Additional conservation benefits can be expected from generating a new type of sinking ground line with lead placed every 10'.

5) Gear Marking

Groundline gear will be enhanced every 10' with a section of lead-core line and a section of lime green surveyors tape will be weaved into the groundline. This will make the gear identifiable as occurring only in Onslow Bay.

6) Implementation

Implementation of this proposal will occur prior to the October 5th 2008 schedule for implementing sinking groundline regulations a proposed by NMFS.

7) What strategic monitoring is needed?

Monitoring of this type of intermittent float line (leaded rope every 10 ft) will be accomplished with a Simrad ES60 echosounder, recording acoustic imagery from the lines run between multiple trawls.

8) What is the contingency/fall back plan should an entanglement occur in the identified exemption area?

The contingency plan will be to immediately implement the sinking groundline regulations as described in the Oct 5th 2008 regulations. If there is an entanglement in groundline, the TRT will revisit plan to ensure no increase in vertical line.

9) What strategic research is needed?

Set up an independent scientific review committee to review progress and make recommendations about testing different gear configurations and ropes.

Experiment with sinking line in some areas to determine feasibility for potential contingency plans and future options.

Develop a data collection system for fishermen to determine the fishability of the alternative gear (floating line with lead or sinking line), and summarize the data for the TRT and NMFS

ATTACHMENT 7

Proposed NGOM Exemption from Sinking Groundline Provision
To be implemented by 10/1/08

Maine Exempted Waters

- Maintain technology list
- Maximum 10 Fth floating groundlines
- 400 endline cap per vessel (marked for MMP enforcement)

Maine Sliver Waters

- Maximum 10 Fth floating groundlines
- No singles
- 200 endline cap per vessel (marked for MMP enforcement)
- Unique mark endlines and groundlines every 10 Fth

Downeast Federal Water Sliver

- Maximum 10 Fth floating groundlines
- No singles
- 160 endline cap per vessel (marked for MMP enforcement)
- Unique mark endlines and groundlines every 10 Fth

Federal Waters

- Maximum 25 Fth sinkrope groundlines
- 160 endline per vessel (marked for MMP enforcement)
- Unique mark endlines and groundlines every 10 Fth

Contingency Plan – Aggregate and differentiate State sliver waters and Federal waters in Zones A/B, C/D and E/F/G. With a single confirmed entanglement of a strategic stock, immediately apply the following measures to the aggregate area(s) through state rulemaking (followed by amended federal rulemaking).

Sliver Waters

Endlines – implement TRT approved risk reduction measure
Groundlines – implement TRT approved low-profile or sinkrope

Federal Waters

Endlines - implement TRT approved risk reduction measure

All Areas

Supplement mandatory harvester reporting, DMR portside and sea sampling to include gear configuration and deployment information

Implement acoustic monitoring on the four (initially) NGOM GOMOOS buoys

Rationale: Holistic Plan specific to NGOM rocky/tidal habitats with low use by whales in state waters and low plankton abundances in near-shore waters that will allow for credible enforcement and industry compliance

This proposal results in a total net conservation benefit of 10,650 miles of rope out of the water, which is 12% of the current levels (endlines and groundlines combined in all state and federal areas). It breaks out to an 18% reduction in federal waters, a 21% reduction in the sliver waters and a 6% reduction in the exemption area.

Areas: as proposed in DMR low-profile proposal for the above reasons year round

Tradeoffs: singles ban state waters sliver, unique state-wide marking system, state waters endline cap(s)

Marking – as proposed. Endlines will also be uniquely marked/tagged for credible MMP enforcement

Implementation – Maine State APA Rulemaking by 10/1/08

Monitoring Will require federal delay in enforcement for new federal rulemaking to accommodate float rope usage in state waters. All other measures will be adopted by SOM in APA rulemaking. Enforcement monitoring by MMP under JEA. In addition, DMR supports the creation of an independent peer review panel to address NGOM large whale risks and risk reduction measures as well as an independent peer review panel to advise and monitor all future NGOM forage research

Contingency Plan – As proposed. Maine disentanglement network will continue to collaborate with NOAA and PCCS

Strategic Research – in addition to DMR 2008 research plan, additional research is needed on shortening groundlines and manufactured nugget unique rope marking

ATTACHMENT 8

Comments for the Maine [exemption] Proposal
(as presented on Wednesday, April 30, 2008, pm session of ALWTRT meeting)

Written comments in addition to comments made and questions raised during discussion on Thursday, May 1, 2008.

Area(s) as Proposed:

- A justification is needed for why the proposed plan should be effective in the western part of the state (e.g. blocks E/F/G).

Gear Marking:

- Gear marking must be visible by photo of a line on whale.
- Because of limitations on data relating to where entanglements are occurring and the amount of gear that is fished in a way identified as taking whales, in developing a comprehensive plan, the State of Maine must go to extreme lengths to mark all kinds of gear to identify it by gear type and region.

Contingency Plan:

- The contingency plan triggers/actions must be written as firm regulations.
- The analysis as presented is based upon state-wide review, therefore if the contingency is triggered by the take of a whale in state waters, it would therefore be inappropriate to only apply the effects of the contingency plan to that specific area. If the review has been conducted state-wide, then the contingency plan should also be applied state-wide, in the event of an entanglement etc.
- Detection of entanglement is low [in general] so if an area is exempted, more needs to be done to detect entanglements in these areas (i.e. systematic surveys etc.).
- The contingency element of the proposal needs to be as conservative as possible.

Risk reduction/net conservation benefit:

- Better quantification of the actual conservation benefit [to large whales] is needed.
- How does the vertical line cap actually work in each zone; [as an example] if you fish in both the Sliver Area and the Federal area, could you have 360 endlines (160+200)? This is a key point that needs to be fleshed out further, esp. in light of the net conservation benefit and what that would be. What is theoretically possible and operationally feasible?
- Problem raised with fishermen starting out with 400 endlines/assuming all fishermen will start fishing inshore/exempted waters.
- Quantity of gear, number of endlines, seasonality of gear- these details are needed in order to better assess risk. Looking at this exemption, a strong conservation benefit is warranted and a strong benefit will come from better data.
- Risk reduction should be "measurable" (i.e. 25%). The metrics for risk reduction should be statistically detectable and need to be more solid.
- If fishermen go to trawls and there is a subsequent increase in groundlines, although there may be a reduction in endlines, it is unknown how much more risk may be introduced with this increase in floating line (from going to trawls).

Data/ Data Quality etc.:

- A better data collection scheme to assess current and future measures is necessary.
- How many lines are being fished in the proposed area right now- without this data it is hard to see how things translate. Vertical line limits in several areas- how many fishermen fish in those areas?
- Information needs to be peer reviewed. Need to make sure data have been analyzed properly, proper survey methods utilized.
- An independent panel/group of independent experts (with experienced statisticians) should review data for risk analysis etc.

Monitoring:

- An independent review panel will be a key part of the plan.
- It appears that there will be little done to reduce the gear either in total, or by groundline/endline totals. This leaves little than monitoring mortality (which will require additional increases in effort on those fronts) and then tying mortality back to a region.
- The use of acoustic buoys is important, but that is geared towards right whales. For humpback whales this is not refined.

→ Potential to vet all of the above through a subgroup/work group and then bring back to the full TRT

ATTACHMENT 9

Atlantic Offshore Lobsterman's Association (AOLA) Exemption Proposal for the ALWTRT

As presented by Bonnie Spinazzola

1. **Rationale**

   The basis on which the Area 3, offshore industry requests sinking line exemptions in the offshore fishery, hinges on safety factors, time constraints, and economic considerations as a result of a complete groundline replacement process. Sinking groundline poses a problem to fishermen who fish in jagged and rocky habitat in the canyons. Hang-downs and snags off the deepwater canyons can pose a serious safety factor in both hauling and grappling back gear. Gear that remains unfound has been known to pose a serious safety factor to whales when "ghost fishing". While most of the industry has begun to change over some gear, most line has not been changed. Since the Area 3 industry received no financial assistance, many in the industry have been waiting for some help to arrive. With the **escalating** costs of fuel and the poor catch, many can barely afford to go fishing at the present time, let alone purchase exorbitantly expensive groundline. Finally, with the New England Fishery Management Council identifying and recommending measures, and NMFS preparing to implement measures to protect deepwater coral in offshore canyons, it may be prudent to consider exemptions in those areas which could mitigate any possible interaction between coral and groundlines.

   Rationale to consider sinking line exemptions in offshore canyons:

   a. While it is well documented that whales traverse the offshore, Area 3 resource, it is also well document through NMFS' *Preliminary Summary of NMFS Gear Analysis for Entangled Large Whale for the Year 1997-2005,* that of the 28 entanglements known to be a result of U.S. lobster gear, only three (~10%) were suspected to be caused by offshore gear, and it is unknown where in Area 3 those entanglements may have occurred.
   b. Area 3 gear typically consists of one-mile long, 40-trap trawls, with a vertical buoy line at each end of the trawl. While an offshore trawl is longer and heavier than inshore lobster gear, and while the presence of whales is not disputed within Area 3, the *Preliminary Summary* documents the degree of risk to be less than what might otherwise be expected.

2. **Areas**
   - The areas in which exemptions are requested are those put forth by the Area 3 industry as recommended in previous documents.
   - Rationale is documented above.
   - The exemption would occur year-round, since it is impractical for industry members to change groundlines mid-year.

3. **Reasonable Tradeoffs**

   Reasonable tradeoffs are already in place. Since 2003, Area 3 lobster fishermen have been reducing gear in the offshore fishery due to measures put forth by the industry through the Lobster Fishery Management Plan. The current FMP accomplishes **a trap reduction by, 2010, of 63,422 traps; which equates to 1,585 trawls and 3,171 endlines.**

The number of *allocated* traps in Area 3, after the (present) final active trap reductions are complete in 2010, equal:

- 148,103 total traps =
- 3,706 40-trap trawls =
- 7,405 endlines

Calculating total numbers of endlines with the 127,073[1] square nautical miles encompassed within Area 3, that number equals **.05 per square nautical mile**; which is a reduction from the .2 end lines reported out at the 2006 ALWTRT meeting.

For the purpose of comparison and the TRT's information, total numbers of traps allocated in Area 3 = 148,103

- *Long Island Sound (2006) = 167,914*
- *Maine (as reported @ 2008 TRT) = 3.3 million*

Further, current management recommendations in Area 3, not yet implemented, call for a 20% conservation tax (20% of a transfer will result in 20% of the transfer being permanently removed from the fishery) when traps are transferred among fishery participants. The Atlantic Offshore Lobstermen's Association has also worked diligently to craft an industry-funded trap buyout plan which would **permanently** remove additional traps (over and above those required through an FMP) from the fishery; NMFS has not accepted this plan due to impractical Magnuson issues that have nothing to do with the lobster fishery. We are continuing to work with NMFS and other fishery managers to move this program along. Finally, for informational purposes, the offshore gillnet fleet is drastically smaller than the fleet that operates 20-30 miles from the beach.

4. **Forecasted Conservation Benefits…**
   To the whales: gear that is being permanently removed form the water- posing continued risk reduction. Conservation benefits for the fishermen…*priceless*!

5. **Gear Marking**
   A certain color tracer can be placed in the line that will be fished in the exemption areas.

6. **Implementation Table**
   ASAP- preferably prior to the need to re-rig gear with sinking line.

7. **Strategic Monitoring**
   Coast Guard boardings. Further, industry will self-monitor the fleet, if for no other reason than self-preservation.

8. **Contingency Plan**
   To be determined; go to sinking line?

9. **Strategic Research**
   Allow the exemption areas and monitor for exemption area entanglements.

[1] Revised following the ALWTRT meeting to correct an error in the submission provided at the meeting.

ATTACHMENT 10

NMFS Email to ALWTRT on
Post-Meeting Next Steps

Dear ALWTRT Member:

Thank you very much for your participation in the productive TRT meeting held recently.

As you know, CONCUR transmitted the Key Outcomes Memorandum from that meeting earlier this week. As promised in that transmittal, we are sending along this memorandum to provide an update on several of the tasks identified in the "Next Steps" discussion of the Key Outcomes document.

Several of these updates respond to requests made of NMFS by ALWTRT members during the recent Team meeting. As well, this memorandum provides updates on additional current issues related to TRP implementation and refinement.

- Maine Team Working Group:
At the recent TRT meeting, we agreed to form a balanced Maine work group to consider discussions related to a possible sinking groundline exemption. NMFS has been working on the organization and framework of the Maine Team Working Group. NMFS has identified a diverse set of Team members for this working group, which includes the following individuals:

Trap/Pot & Gillnet:
Stevie Robbins, Patrice McCarron

State Resources Managers:
Claire McBane, Dan McKiernan, Terry Stockwell

Federal Government:
Diane Borggaard, David Laist

Cons/Env Groups:
Vicki Cornish, Mason Weinrich, Sharon Young

Academic/Scientific:
Scott Kraus, Stormy Mayo, Jooke Robbins

A few points to note about that Working Group:

Meeting Timing. At this point, NMFS anticipates pulling the Working Group together in July. The exact format of the meeting – in-person and/or teleconference – has not yet been decided. A

separate email will be sent to the proposed Working Group members above seeking their availability to meet in that timeframe.

Guidance for Maine Proposal. NMFS believes it is especially important to frame and provide guidance for the upcoming meeting in order to facilitate the working group discussions. Based on the various comments NMFS has obtained over the years regarding the use of sinking groundline in Maine, as well as some of the discussions and information provided at the April 2008 meeting, NMFS believes that the information to-date demonstrates that any proposal should include areas east of Pemaquid Pt. (i.e. Lobster Zones A-D) of Maine only. NMFS will be discussing this further when convening the working group to further discuss any possible exemption and associated elements of the proposal.

Linkage with Full TRT. As a reminder, this working group will pre-vet any revised exemption proposal prior to convening the full TRT (either by e-mail or an in-person/teleconference option) to gauge the level of support. NMFS anticipates holding at least two working groups meetings in the July to August time period, before providing something back to the full ALWTRT in August.

- Southeastern U.S. Shark Gillnet Proposal:
NMFS will be reviewing the proposal submitted by Mike Baker to assess its conservation equivalency relative to existing measures and 50 CFR 229.32(g)(2). NMFS will provide this information in time for discussion at the next in-person ALWTRT meeting. (Our current thinking is to hold the next in-person Team meeting in early 2009).

- North Carolina Industry Proposal:
NMFS will be reviewing the North Carolina industry proposal to assess the conservation equivalency relative to existing measures and will reach out to North Carolina ALWTRT members who worked on the proposal for additional information as needed. NMFS expects to provide additional information and/or an update on this in August.

- Discussion to Continue on Time Tension Line Cutter:
NMFS asked the ALWTRT to review the Time Tension Line Cutter Proposal distributed prior to and presented at the ALWTRT meeting. NMFS asked the TRT to consider it in the context of the "Process for Considering Gear Modifications Under the Atlantic Large Whale Take Reduction Plan (ALWTRP)." Although there wasn't a formal recommendation made by the ALWTRT, based on team's discussions, NMFS believes that the following applies:

"Further testing, development and evaluation (/e.g. /field [conditions, depths, fisheries, bottom type, currents, etc.], test tank, modeling). (The ALWTRT may specify certain concerns, areas/aspects to be investigated.)"

The ALWTRT did highlight some suggestions for further investigation. NMFS will continue to discuss this gear modification, as well as other options to reduce risk associated with vertical line, at the next ALWTRT meeting.

- State Fishery Data:
NMFS asked for assistance from state partners for improving data collection within each state to establish baseline information on fishing gear (e.g. vertical lines), which will in turn assist with ALWTRT discussions. NMFS also requested state activity data, as well as vessel configuration, for states south of Massachusetts in order to support further development of NMFS' vertical line analysis model. State fishery data will also be useful for yearly ALWTRP Status Reports. If you have information that could assist NMFS in the above efforts, please contact Diane Borggaard.

- Comments Requested on Research Matrices:
The Team discussed only briefly the ALWTRP Whale and Gear Research Matrices at its recent meeting. NMFS invites Team members to provide any additional comments on the matrices by July 1st . NMFS will be reposting the ALWTRP Whale and Gear Research Matrices, after considering TRT discussions and any additional comments received. If you have any comments, please send them to Diane Borggaard.

- Timeline for Future Team Meetings:
August 2008: As noted earlier, NMFS expects to convene the full TRT (either by e-mail or an in-person/teleconference option) contingent upon funding in August to discuss progress made on the Maine and North Carolina proposals. An e-mail will follow soliciting availability and providing additional information in the near future.

January to March 2009. NMFS expects to next convene the full TRT in-person in the January-March 2009 timeframe. In September, the ALWTRT will be contacted for availability as well as suggested locations. NMFS looks forward to working with CONCUR and the ALWTRT on the next steps in the process.

If you have any questions or comments on the above, please contact Diane Borggaard below. NMFS appreciates the ALWTRT efforts and discussions to-date to reduce entanglement risk to large whales.

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